

HOUSE JOURNAL

EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FIRST DAY — WEDNESDAY, MAY 22, 2019

The house met at 1:32 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 1607).

Present — Mr. Speaker; Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody(C); Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

LEAVES OF ABSENCE GRANTED

On motion of Representative Morrison and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Morrison moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative Morrison and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following the bill number).

(Record 1608): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

SB 6

SB 58 (Tinderholt - no) (143 - 1 - 2)

SB 207 (Biedermann, Cain, Middleton, Stickland, Toth, and Zedler - no) (138 - 6 - 2)

SB 232 (Biedermann, Cain, Dean, Lang, Middleton, Oliverson, Shaheen, Stickland, Swanson, Tinderholt, Toth, Wray, and Zedler - no) (131 - 13 - 2)

SB 284 (Ashby, Biedermann, Cain, Middleton, and Patterson - no) (139 - 5 - 2)

SB 339 (Biedermann, Burrows, Cain, Dean, Goldman, Harris, Hefner, Lang, Noble, Shaheen, Springer, Tinderholt, Wilson, Wray, and Zedler - no) (129 - 15 - 2)

SB 340 (Dean, Lang, Patterson, Stickland, Toth, Wray, and Zedler - no) (137 - 7 - 2)

SB 341 (Harris and Ramos - no) (142 - 2 - 2)

SB 421 (Hefner and Noble - no) (142 - 2 - 2)

SB 483 (Hefner and Noble - no) (142 - 2 - 2)

SB 504 (Biedermann, G. Bonnen, Burrows, Cain, Dean, Goldman, Harris, Krause, Landgraf, Lang, Metcalf, Middleton, Oliverson, Patterson, Phelan, Springer, Stickland, Swanson, Tinderholt, Toth, Wray, and Zedler - no) (122 - 22 - 2)

SB 520 (G. Bonnen, Burrows, Goldman, Landgraf, and Springer - no) (139 - 5 - 2)

SB 548

SB 550 (Harris and Holland - no) (142 - 2 - 2)

SB 575

SB 592 (Allison, Ashby, Biedermann, G. Bonnen, Burns, Burrows, Cain, Clardy, Darby, Dean, Goldman, Harris, Hefner, Holland, Krause, Landgraf, Lang, Middleton, Murr, Noble, Patterson, Schaefer, Shaheen, Shine, Springer, Swanson, Tinderholt, Toth, VanDeaver, Wray, and Zedler - no) (113 - 31 - 2)

SB 688

SB 712 (Biedermann, Cain, Darby, Hefner, Noble, Shine, Stickland, Toth, and Wilson - no) (135 - 9 - 2)

SB 751 (Middleton, Stickland, and Toth - no) (141 - 3 - 2)

SB 902

SB 907

SB 911 (G. Bonnen, Burrows, Goldman, Metcalf, Noble, Phelan, and Springer - no) (137 - 7 - 2)

SB 948 (Darby, Hefner, Noble, Schaefer, Shine, Swanson, Tinderholt, and Wilson - no) (136 - 8 - 2)

SB 976

SB 981 (Biedermann, Cain, Krause, Middleton, Schaefer, Stickland, Tinderholt, and Toth - no) (136 - 8 - 2)

SB 982 (Stickland, Tinderholt, and Toth - no) (141 - 3 - 2)

SB 986

SB 1125 (G. Bonnen, Burrows, Goldman, Metcalf, and Phelan - no) (139 - 5 - 2)

SB 1138 (Dean, Lang, Middleton, Patterson, Schaefer, Shaheen, Stickland, Toth, and Zedler - no) (135 - 9 - 2)

SB 1180

SB 1217 (Cyrier, Stickland, and Toth - no) (141 - 3 - 2)

SB 1221

SB 1230

SB 1271 (Ashby, Biedermann, G. Bonnen, Burns, Burrows, Cain, Cyrier, Darby, Dean, Goldman, Harris, Hefner, Holland, Landgraf, Lang, Metcalf, Middleton, Murr, Noble, Oliverson, Patterson, Phelan, Shaheen, Shine, Springer, Stickland, Swanson, Toth, VanDeaver, Wray, and Zedler - no) (113 - 31 - 2)

SB 1336 (Biedermann, Cain, Dean, Harris, Krause, Lang, Middleton, Patterson, Stickland, Toth, Wilson, Wray, and Zedler - no) (131 - 13 - 2) (Sanford requested to be recorded voting no after the deadline established by Rule 5, Section 52, of the House Rules.)

SB 1374

SB 1386 (Schaefer, Stickland, Swanson, and Toth - no) (140 - 4 - 2)

SB 1397

SB 1422 (Allison, Ashby, Biedermann, G. Bonnen, Burrows, Cain, Clardy, Darby, Dean, Goldman, Hefner, Holland, Lang, Middleton, Noble, Patterson, Shine, Springer, Swanson, Tinderholt, Toth, Wilson, and Wray - no) (121 - 23 - 2)

SB 1441 (Biedermann, G. Bonnen, Burrows, Cain, Dean, Goldman, Harris, Hefner, Krause, Lang, Metcalf, Middleton, Noble, Oliverson, Patterson, Phelan, Springer, Tinderholt, Wray, and Zedler - no) (124 - 20 - 2) (Swanson requested to be recorded voting no after the deadline established by Rule 5, Section 52, of the House Rules.)

SB 1476

SB 1570 (G. Bonnen, Burrows, Goldman, Metcalf, Phelan, and Springer - no) (138 - 6 - 2)

SB 1593

SB 1623 (Biedermann and Cain - no) (142 - 2 - 2)

SB 1642 (Biedermann, Cain, Cyrier, Dean, Harris, Holland, Lang, Middleton, Patterson, Schaefer, Stickland, Swanson, Tinderholt, Toth, Wray, and Zedler - no) (128 - 16 - 2)

SB 1778 (Biedermann, G. Bonnen, Cain, Middleton, and Schaefer - no) (139 - 5 - 2)

SB 1788 (Biedermann, G. Bonnen, Burrows, Cain, Dean, Goldman, Lang, Metcalf, Middleton, Patterson, Phelan, Springer, Stickland, Toth, Wilson, Wray, and Zedler - no) (127 - 17 - 2)

SB 1806 (Burrows, Goldman, Metcalf, Oliverson, Phelan, and Springer - no) (138 - 6 - 2)

SB 1828

SB 1845 (Darby, Hefner, Shine, and Tinderholt - no) (140 - 4 - 2)

SB 1859 (Dean, Lang, Patterson, Schaefer, Shaheen, Wray, and Zedler - no) (138 - 6 - 2)

SB 1943 (Cyrier and Toth - no) (142 - 2 - 2)

SB 1969 (Landgraf and Middleton - no) (142 - 2 - 2)

SB 1971

SB 2011 (Biedermann, Cain, Dean, Lang, Schaefer, Shaheen, Swanson, Wray, and Zedler - no) (136 - 8 - 2)

SB 2015

SB 2060 (Dean, Lang, Middleton, Wray, and Zedler - no) (139 - 5 - 2)

SB 2073 (Tinderholt - no) (143 - 1 - 2)

SB 2083

SB 2128

SB 2136

SB 2143 (Biedermann, G. Bonnen, Cain, Darby, Hefner, Holland, Metcalf, Noble, Phelan, and Shine - no) (134 - 10 - 2)

SB 2156

SB 2168 (Biedermann, Cain, Middleton, Swanson, and Tinderholt - no) (139 - 5 - 2)

SB 2215 (Biedermann, Cain, Dean, Krause, Lang, Middleton, Patterson, Wray, and Zedler - no) (135 - 9 - 2) (Swanson requested to be recorded voting no after the deadline established by Rule 5, Section 52, of the House Rules.)

SB 2248 (Biedermann, G. Bonnen, Burrows, Cain, Darby, Dean, Goldman, Hefner, Lang, Metcalf, Middleton, Noble, Patterson, Phelan, Schaefer, Shaheen, Shine, Springer, Stickland, Tinderholt, Toth, Wilson, Wray, and Zedler - no) (120 - 24 - 2)

SB 2270 (Biedermann, G. Bonnen, Burrows, Cain, Cyrier, Dean, Goldman, Krause, Lang, Metcalf, Middleton, Patterson, Phelan, Schaefer, Springer, Stickland, Swanson, Toth, Wilson, Wray, and Zedler - no) (123 - 21 - 2) (Sanford requested to be recorded voting no after the deadline established by Rule 5, Section 52, of the House Rules.)

SB 2296 (Schaefer - no) (143 - 1 - 2)

SB 2309

SB 2330

SB 2364

SB 2410 (Darby, Hefner, Noble, and Shine - no) (140 - 4 - 2)

SB 2445 (Allison, Ashby, Biedermann, G. Bonnen, Burrows, Cain, Clardy, Darby, Dean, Goldman, Hefner, Holland, Krause, Landgraf, Lang, Middleton, Noble, Shaheen, Shine, Springer, Swanson, Tinderholt, Toth, Wilson, Wray, and Zedler - no) (118 - 26 - 2)

SB 2456 (Allison, Ashby, Biedermann, G. Bonnen, Burrows, Cain, Clardy, Darby, Dean, Goldman, Hefner, Holland, Landgraf, Lang, Middleton, Noble, Patterson, Shaheen, Shine, Springer, Swanson, Tinderholt, Toth, Wilson, and Wray - no; Collier - present, not voting) (118 - 25 - 3)

SB 2505 (Allison, Ashby, Biedermann, G. Bonnen, Burrows, Cain, Clardy, Darby, Dean, Goldman, Hefner, Holland, Krause, Landgraf, Lang, Middleton, Noble, Patterson, Shaheen, Shine, Springer, Swanson, Tinderholt, Wilson, Wray, and Zedler - no) (118 - 26 - 2)

SB 2530 (Allison, Ashby, Biedermann, G. Bonnen, Burrows, Cain, Clardy, Cyrier, Darby, Dean, Goldman, Harris, Hefner, Holland, Krause, Landgraf, Lang, Middleton, Noble, Patterson, Schaefer, Shaheen, Shine, Springer, Swanson, Tinderholt, Toth, Wilson, Wray, and Zedler - no) (114 - 30 - 2)

SB 2531

SB 2552 (Ashby, G. Bonnen, Burrows, Goldman, Holland, Krause, Landgraf, Lang, Middleton, Patterson, Springer, Stickland, Tinderholt, Toth, Wilson, Wray, and Zedler - no) (127 - 17 - 2) (Swanson requested to be recorded voting no after the deadline established by Rule 5, Section 52, of the House Rules.)

SB 2558 (Allison, Ashby, Biedermann, G. Bonnen, Burrows, Cain, Clardy, Dean, Goldman, Hefner, Holland, Landgraf, Lang, Middleton, Noble, Patterson, Schaefer, Shaheen, Shine, Springer, Swanson, Tinderholt, Toth, Wray, and Zedler - no) (120 - 24 - 2)

SB 390 (Allison, Ashby, Biedermann, G. Bonnen, Burrows, Cain, Clardy, Cyrier, Darby, Dean, Harris, Hefner, Holland, Landgraf, Lang, Metcalf, Middleton, Noble, Patterson, Phelan, Shaheen, Shine, Springer, Swanson, Tinderholt, Wray, and Zedler - no) (118 - 26 - 2)

SB 1147 (Darby and Dean - no) (142 - 2 - 2)

SB 1200

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Morrison and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 20 ON THIRD READING**(S. Thompson, Krause, Collier, White, Y. Davis, et al. - House Sponsors)**

SB 20, A bill to be entitled An Act relating to the reporting regarding, investigation of, prosecution of, criminal and civil penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses, to services and compensation available to victims of those offenses, and to orders of nondisclosure for persons who committed certain of those offenses.

Amendment No. 1

Representative J. González offered the following amendment to **SB 20**:

Amend **SB 20** on third reading as follows:

(1) In the SECTION of the bill adding Article 42A.515, Code of Criminal Procedure, as amended by Amendment No. 3 by J. González on second reading, strike added Subsections (a), (b), and (c) of that article and substitute the following:

(a) Except as provided by Subsection (e), on a defendant's conviction of a Class B misdemeanor under Section 43.02(c), Penal Code, the judge shall suspend imposition of the sentence and place the defendant on community supervision. This subsection does not apply to a defendant who has previously been convicted of any other Class B misdemeanor under Section 43.02(c), Penal Code.

(b) Except as provided by Subsection (e), on a defendant's conviction of a Class A misdemeanor under Section 43.02(c), Penal Code, the judge shall suspend the imposition of the sentence and place the defendant on community supervision. This subsection does not apply to a defendant who has previously been convicted of any other Class A misdemeanor under Section 43.02(c), Penal Code.

(c) A judge who places a defendant on community supervision under Subsection (a) or (b) shall require as a condition of community supervision that the defendant participate in a commercially sexually exploited persons court program established under Chapter 126, Government Code, if a program has been established for the county or municipality where the defendant resides. Sections 126.002(b) and (c), Government Code, do not apply with respect to a defendant required to participate in the court program under this subsection.

(2) In the SECTION of the bill amending Section 411.042(b), Government Code, as amended by Amendment No. 3 by J. González on second reading, strike Subdivision (5) of that subsection and substitute the following:

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. _____. Section 43.02, Penal Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) A person may not be prosecuted for an offense under Subsection (a) that the person committed when younger than 18 years of age.

(c) An offense under Subsection (a) is a Class B misdemeanor, except that the offense is:

~~[(1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (a); or~~

~~[(2) a Class A misdemeanor [state jail felony] if the actor has previously been convicted three or more times of an offense under Subsection (a).~~

Amendment No. 1 was adopted.

Amendment No. 2

Representative Murphy offered the following amendment to **SB 20**:

Amend **SB 20** on third reading as follows:

(1) Strike the ARTICLE of the bill entitled "TRAFFICKING OF PERSONS AND CONTINUOUS TRAFFICKING OF PERSONS", as amended by Amendment No. 2 by Murphy on second reading.

(2) Add the following appropriately numbered ARTICLE to the bill:

ARTICLE ____ . TRAFFICKING OF PERSONS AND CONTINUOUS
TRAFFICKING OF PERSONS

SECTION ____ . ____ . Section 3.03(b), Penal Code, is amended to read as follows:

(b) If the accused is found guilty of more than one offense arising out of the same criminal episode, the sentences may run concurrently or consecutively if each sentence is for a conviction of:

(1) an offense:

(A) under Section 49.07 or 49.08, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections;

(2) an offense:

(A) under Section 33.021 or an offense under Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section;

(3) an offense:

(A) under Section 21.15 or 43.26, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections;

(4) an offense for which the judgment in the case contains an affirmative finding under Article 42.0197, Code of Criminal Procedure;

(5) an offense:

(A) under Section 20A.02, 20A.03, or 43.05, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section [~~both sections~~]; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section [~~both sections~~]; or

(6) an offense:

(A) under Section 22.04(a)(1) or (2) or Section 22.04(a-1)(1) or (2) that is punishable as a felony of the first degree, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) and punishable as described by that paragraph, regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section.

SECTION _____. Section 402.035(h), Government Code, as amended by Chapter 762 (**SB 2039**), Acts of the 85th Legislature, Regular Session, 2017, and repealed by Chapter 685 (**HB 29**), Acts of the 85th Legislature, Regular Session, 2017, is repealed.

SECTION _____. The change in law made by this article applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

(3) Renumber the ARTICLES and SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

SB 20 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED

Representative S. Thompson moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Leach as a co-sponsor to **SB 20**.

The motion prevailed.

SB 20, as amended, was passed by (Record 1609): 126 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Beckley; Bernal; Blanco; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Landgraf; Lang; Patterson; Price; Schaefer; Springer; Stickland; Wilson.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Allen; Anchia; Bell, C.; Bowers; Deshotel; Johnson, J.D.; Martinez Fischer; Turner, C.

STATEMENTS OF VOTE

When Record No. 1609 was taken, I was in the house but away from my desk. I would have voted yes.

C. Bell

When Record No. 1609 was taken, my vote failed to register. I would have voted yes.

Martinez Fischer

When Record No. 1609 was taken, I was shown voting yes. I intended to vote no.

Murr

SB 11 ON THIRD READING**(G. Bonnen, Huberty, Metcalf, Thierry, Price, et al. - House Sponsors)**

SB 11, A bill to be entitled An Act relating to policies, procedures, and measures for school safety and mental health promotion in public schools.

SB 11 - POINT OF ORDER

Representative Stickland raised a point of order against further consideration of **SB 11** under Rule 11, Section 3, of the House Rules. The point of order was overruled and the speaker submitted the following ruling:

RULING BY THE SPEAKER

on Senate Bill 11

Announced in the House on May 22, 2019

Representative Stickland raises a point of order against further consideration of **SB 11** under Rule 11, Section 3, of the House Rules on the grounds that the bill has been amended throughout its passage so as to change its original purpose.

Mr. Stickland argues that the offending change was made on second reading by the Allison Amendment as amended by the Zerwas Amendment. The Chair has previously ruled that the amendments were on the same subject because they both addressed the subject of student mental health as it relates to school safety, which is the purpose of the bill. 86 H. Jour. ____ (2019) (ruling on Amendment No. 9 to **CSSB 11**). In the opinion of the Chair, the original purpose of the bill has not been changed.

Accordingly, the point of order is respectfully overruled.

SB 11 - POINT OF ORDER

Representative Stickland raised a point of order against further consideration of **SB 11** under Rule 8, Section 3, of the House Rules. The point of order was overruled and the speaker submitted the following ruling:

RULING BY THE SPEAKER

on Senate Bill 11

Announced in the House on May 22, 2019

Representative Stickland raises a point of order against further consideration of **SB 11** under Rule 8, Section 3, of the House Rules on the grounds that the bill has more than one subject.

Mr. Stickland argues that the second reading Allison and Zerwas Amendments added the impermissible second subjects. The Chair has previously ruled that the amendments were on the same subject as the bill. 86 H. Jour. ____ (2019) (ruling on point of order against third reading consideration of **SB 11**). Therefore, the bill has a single subject and does not violate the rule.

Accordingly, the point of order is respectfully overruled.

SB 11 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SHINE: Dr. Bonnen, I just have a couple of questions I need to have you answer, please. In order to further the consortium's work and address this continuum of care, should the health system of the executive committee be an integrated community mental health provider?

REPRESENTATIVE G. BONNEN: Yes.

SHINE: And should that provider also serve both urban and rural patients?

G. BONNEN: Absolutely.

SHINE: And through the use of the critical access hospital that has implemented telehealth services as well?

G. BONNEN: Yes, right.

REMARKS ORDERED PRINTED

Representative Shine moved to print remarks between Representative G. Bonnen and Representative Shine on **SB 11**.

The motion prevailed.

SB 11 - REMARKS

REPRESENTATIVE OLIVERSON: I appreciate your legislation very much. I thought we could just talk for a couple of minutes as two doctors back and forth. I've certainly heard some things, and I just want to clarify them with you. Does this bill lead to the overprescribing of psychotropic medication for all of our children in public schools?

REPRESENTATIVE G. BONNEN: It does not. In fact, interestingly, with the addition now of the mental health consortium language into the bill, there's a more collaborative or multidisciplinary approach where not only will pediatricians be providing care, but they will have the opportunity through telemedicine to consult with pediatric psychiatrists which are very rare and not as available as we would like. And that actually leads to a reduction in the prescription of medications to manage some of these diagnoses.

OLIVERSON: And I think you would agree—I was thinking back to my own rotations in psychiatry in medical school—in the DSM-IV, you know, there are conditions that are best treated with behavioral modification therapy or other types of non-pharmacological treatments.

G. BONNEN: That's actually the mainstay of most treatment. And in addition to that, I think that it's important to keep in mind that only a licensed physician can prescribe medication. So a counselor, an administrator at a school, a team of employees in the school have no prescriptive authority.

OLIVERSON: So does your bill allow or create a situation where we're going to have psychiatrists or pediatricians in public schools seeing patients or anything like that?

G. BONNEN: No. What we're trying to accomplish is to, first of all, with the school safety bill, have a committee that's responsible for the multihazard operations plan of the school, have a threat assessment team that can vet whether there is a legitimate concern that someone may be threatening to harm themselves or others, and then have a network of resources available to the parents of each child so that, as appropriate, the parents are not just told there's a concern. They're also given an option with their consent to receive appropriate treatment for whatever the concern may be.

OLIVERSON: You brought up the word "consent," so I thought maybe we could talk for a couple of minutes about that because I know that's also been an issue that has been raised. I know before I treat patients—and I'm sure Dr. Zerwas would agree—we get written consent that patients actually sign. Are these children capable of giving written consent for treatment without parental consent as part of the process?

G. BONNEN: Only if they're above 18. For anyone who is a minor, it requires parental consent, and that actually is in an amendment. First of all, it's throughout the bill, and it's current law. But in addition to that, I amended the bill to restate that. And not only is it a written consent, but it is a consent that must be compliant with all applicable state and federal law, which by definition means it would be an informed consent. In my entire career as a physician, going back to beginning medical school in 1988, I've never seen a consent for health care services that wasn't an informed consent that identified the physician providing the services, the purpose for the services being provided, the services to be provided, and the risks associated with the provision of those services. So by definition, these are informed consents. Otherwise, they're not compliant with existing law.

OLIVERSON: And these services simply can't be offered without that consent, correct? That's essentially assault at that point, right?

G. BONNEN: They cannot be offered without that consent, and no licensed physician would want to consider offering them without consent.

OLIVERSON: So just a couple of general questions and then I look forward to passing this bill with you. Why do you think we are here? Why do you think we continue to have these problems with shootings and episodes at our schools? What's the underlying fundamental problem here?

G. BONNEN: Clearly, the underlying problem here is a behavioral one, and there are typically warning signs, and there are concerns that people will note. But in most of these—or far too many cases—no one actually says something. No one actually asks the question. Nobody actually intervenes or reaches out to try to understand what's going on with that individual, what could be done that might change the trajectory or the course that they're on. If we can address that underlying foundational issue, that will make our schools safer.

OLIVERSON: And I think, as you and I have talked about this, there's no one really to blame for that as the status quo because, as we've discussed, our schools are simply not prepared as of right now to deal with these complex situations, right?

G. BONNEN: I think it's a combination. Not only preparedness, but I would say that what we're doing here is—first of all, we're giving them the direction. We're giving them the requirement that you need to actually do these assessments and be prepared to be proactive and engage. And secondly, we're giving them the backup and the support to say that when you do this, you're doing it because you've been instructed to do it.

OLIVERSON: Thank you, Dr. Bonnen. I appreciate your time. I look forward to passing this bill with you.

SB 11 was passed by (Record 1610): 135 Yeas, 7 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero;

Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Hefner; Lang; Schaefer; Stickland; Swanson.

Present, not voting — Mr. Speaker; Moody(C); Tinderholt.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Middleton.

STATEMENTS OF VOTE

When Record No. 1610 was taken, I was in the house but away from my desk. I would have voted yes.

Middleton

When Record No. 1610 was taken, I was shown voting yes. I intended to vote no.

White

REASONS FOR VOTE

On second reading, I voted against this bill because of uncertainty about what the bill actually contained. The addition of the Zerwas amendment to the amendment left many questions unanswered about what mental health provisions did end up in the bill. I do support the school safety provisions of the bill. It is imperative that we protect the fundamental constitutional right to life. After reviewing the contents of the bill as amended, I feel comfortable supporting this legislation even with the inclusion of the mental health consortium because of the parental consent safeguards in place. I cannot in good conscience vote against a bill that could protect the precious lives of students in our state.

Krause

Security in our schools is a serious priority in order to protect the children of our state. There are many aspects of **SB 11** that could directly affect a company in which I am a senior partner, therefore, I feel obligated to vote "present, not voting" on this bill.

Tinderholt

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 1804 ON THIRD READING
(Nevárez and Harless - House Sponsors)

SB 1804, A bill to be entitled An Act relating to the entry into the Texas Crime Information Center of certain information regarding conditions of bond imposed in criminal cases involving family violence.

Amendment No. 1

Representative Nevárez offered the following amendment to **SB 1804**:

Amend **SB 1804** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Notwithstanding Section 1(b), Chapter 790 (**HB 2662**), Acts of the 85th Legislature, Regular Session, 2017, Section 401.207(g), Health and Safety Code, as amended by that Act, takes effect September 1, 2021.

SECTION _____. Notwithstanding Section 3(b), Chapter 790 (**HB 2662**), Acts of the 85th Legislature, Regular Session, 2017, Section 401.2445, Health and Safety Code, as added by that Act, takes effect September 1, 2021.

Amendment No. 1 was adopted. (Rodriguez recorded voting no.)

REASON FOR VOTE

I requested to be recorded voting no on the third reading amendment to **SB 1804** because it would benefit a particular radioactive waste facility and was wrongfully tacked on to an otherwise commendable domestic violence bill.

Rodriguez

SB 1804, as amended, was passed by (Record 1611): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Darby; Middleton.

**SB 449 ON THIRD READING
(Wray - House Sponsor)**

SB 449, A bill to be entitled An Act relating to testimony by an appraisal district employee as to the value of real property in certain ad valorem tax appeals.

Amendment No. 1

Representative Y. Davis offered the following amendment to **SB 449**:

Amend **SB 449** (house committee report) by adding the following appropriately numbered sections:

SECTION _____. Sections 327.007(b), Tax Code, is amended to read as follows:

(b) An election to reauthorize the tax is called and held in the same manner as an election to adopt the tax under Section 327.006, except the ballot proposition shall be prepared to permit voting for or against the proposition: "The reauthorization of the local sales and use tax in (name of municipality) at the rate of (insert appropriate rate) to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the (insert "first day of the first calendar quarter occurring after the fourth anniversary" or "last day of the first calendar quarter occurring after the (insert[;] eighth[;] or 10th anniversary, as applicable)") [~~anniversary~~] of the date of this election unless the imposition of the tax is reauthorized."

SECTION _____. The change in law made by this Act to Section 327.007(b), Tax Code, applies only to ballot language for an election ordered on or after the effective date of this Act. Ballot language for an election ordered before the effective date of this Act is governed by the law in effect when the election was ordered.

Amendment No. 1 was adopted.

SB 449, as amended, was passed by (Record 1612): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez;

Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Klick.

SB 212 ON THIRD READING
(Morrison, Button, and Neave - House Sponsors)

SB 212, A bill to be entitled An Act relating to a reporting requirement for certain incidents of sexual harassment, sexual assault, dating violence, or stalking at certain public and private institutions of higher education; creating a criminal offense; authorizing administrative penalties.

SB 212 was passed by (Record 1613): 128 Yeas, 13 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Sherman; Shine; Smith; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Hefner; Krause; Lang; Patterson; Schaefer; Shaheen; Springer; Stickland; Swanson; Tinderholt; Wilson.

Present, not voting — Mr. Speaker; Bell, C.; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Coleman; Klick.

STATEMENTS OF VOTE

When Record No. 1613 was taken, I was shown voting present, not voting. I intended to vote yes.

C. Bell

When Record No. 1613 was taken, I was shown voting yes. I intended to vote no.

Middleton

When Record No. 1613 was taken, I was shown voting no. I intended to vote yes.

Shaheen

When Record No. 1613 was taken, I was shown voting no. I intended to vote yes.

Swanson

SB 563 ON THIRD READING
(Metcalf - House Sponsor)

SB 563, A bill to be entitled An Act relating to the reporting of information about the use of federal money for flood research, planning, and mitigation projects.

SB 563 was passed by (Record 1614): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Canales.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

SB 194 ON THIRD READING
(Moody, Meyer, Collier, Leach, Beckley, et al. - House Sponsors)

SB 194, A bill to be entitled An Act relating to the creation of the criminal offense of indecent assault, to judicial protection for victims of that offense, and to certain criminal acts committed in relation to that offense.

SB 194 was passed by (Record 1615): 143 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C); Thierry.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

STATEMENT OF VOTE

When Record No. 1615 was taken, I was shown voting present, not voting. I intended to vote yes.

Thierry

SB 1991 ON THIRD READING (Klick - House Sponsor)

SB 1991, A bill to be entitled An Act relating to claims and overpayment recoupment processes imposed on health care providers under Medicaid.

SB 1991 was passed by (Record 1616): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price;

Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Capriglione; Ortega.

SB 2138 ON THIRD READING
(S. Davis - House Sponsor)

SB 2138, A bill to be entitled An Act relating to the authority of the Health and Human Services Commission to retain certain money received by the commission to administer certain Medicaid programs.

Amendment No. 1

Representative Sheffield offered the following amendment to **SB 2138**:

Amend **SB 2138** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 531.1023, Government Code, is amended to read as follows:

Sec. 531.1023. COMPLIANCE WITH FEDERAL CODING GUIDELINES. (a) The commission's office of inspector general, including office staff and any third party with which the office contracts to perform coding services, and the commission's medical and utilization review appeals unit shall comply with federal coding guidelines, including guidelines for diagnosis-related group (DRG) validation and related audits.

(b) In this section, "federal coding guidelines" means the code sets and guidelines adopted by the United States Department of Health and Human Services in accordance with the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.).

Amendment No. 1 was adopted.

Amendment No. 2

Representative Price offered the following amendment to **SB 2138**:

Amend **SB 2138** on third reading as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 531.0216(f), Government Code, is amended to read as follows:

(f) Not later than December 1 of each even-numbered year, the commission shall report to the speaker of the house of representatives and the lieutenant governor on the effects of telemedicine medical services, telehealth services, and

home telemonitoring services on Medicaid in the state, including the number of physicians, health professionals, and licensed health care facilities using telemedicine medical services, telehealth services, or home telemonitoring services, the geographic and demographic disposition of the physicians and health professionals, the number of patients receiving telemedicine medical services, telehealth services, and home telemonitoring services, the types of services being provided, ~~and~~ the cost of utilization, and the cost savings of telemedicine medical services, telehealth services, and home telemonitoring services to Medicaid.

SECTION _____. Effective September 1, 2019, Section 531.02164, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Notwithstanding Subsection (c)(1), the program required under this section must also provide that home telemonitoring services are available to pediatric persons who:

- (1) are diagnosed with end-stage solid organ disease;
- (2) have received an organ transplant; or
- (3) require mechanical ventilation.

SECTION _____. Section 531.02176, Government Code, is repealed.

SECTION _____. The executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 531.02164(c-1), Government Code, as added by this Act, not later than December 1, 2019.

(2) Strike the SECTION of the bill providing the effective date and substitute the following appropriately numbered SECTION:

SECTION _____. Except as otherwise provided by this Act:

(1) this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Raymond offered the following amendment to **SB 2138**:

Amend **SB 2138** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Using existing resources, the Health and Human Services Commission shall study the feasibility of extending the private duty nursing benefit to individuals that have aged out of the Star Kids program. In determining the feasibility of continuing the benefit as a Medicaid covered service, the commission shall determine potential cost savings, impact on the health outcomes of these individuals, impacts related to hospitalizations and institutionalizations, and sufficient utilization controls that restrict continued access to individuals with a functional or clinical need.

Not later than December 1, 2019, the Health and Human Services Commission shall submit a report containing the commission's findings and recommendations to the governor, the Legislative Budget Board, and the standing committees of the senate and the house of representatives with primary jurisdiction over Health and Human Services.

Amendment No. 3 was adopted.

SB 2138, as amended, was passed by (Record 1617): 131 Yeas, 13 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Biedermann; Cain; Dean; Harris; Hunter; Krause; Lang; Middleton; Schaefer; Stickland; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

STATEMENTS OF VOTE

When Record No. 1617 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 1617 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 1617 was taken, I was shown voting yes. I intended to vote no.

Phelan

When Record No. 1617 was taken, I was shown voting yes. I intended to vote no.

Shaheen

When Record No. 1617 was taken, I was shown voting yes. I intended to vote no.

Swanson

SB 1519 ON THIRD READING
(Clardy - House Sponsor)

SB 1519, A bill to be entitled An Act relating to establishing a council on long-term care facilities and the duties of that council.

Amendment No. 1

Representative Oliverson offered the following amendment to **SB 1519**:

Amend **SB 1519** (house committee report) as follows:

- (1) On page 2, line 23, strike "and regarding" and substitute ";".
- (2) On page 2, line 24, between "facilities" and the underlined period, insert ", and the allocation of Medicaid beds in those facilities".

- (3) On page 3, strike line 4.

- (4) On page 3, line 7, strike the underlined period and substitute the following:

; and

(4) study and make recommendations relating to the allocation of and need for Medicaid beds in long-term care facilities, including studying and making recommendations relating to:

(A) the effectiveness of rules adopted by the executive commissioner relating to the procedures for certifying and decertifying Medicaid beds in long-term care facilities; and

(B) the need for modifications to those rules to better control the procedures for certifying and decertifying Medicaid beds in long-term care facilities.

Amendment No. 1 was adopted.

SB 1519 - POINT OF ORDER

Representative Cain raised a point of order against further consideration of **SB 1519** under Rule 8, Section 3, of the House Rules and under Article III, Section 35, of the Texas Constitution on the grounds that the bill violates the one-subject rule.

The point of order was withdrawn.

SB 1519, as amended, was passed by (Record 1618): 107 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Leman; Longoria;

Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rose; Rosenthal; Sheffield; Sherman; Shine; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wray; Wu; Zerwas; Zwiener.

Nays — Bell, C.; Biedermann; Bonnen; Burns; Burrows; Cain; Craddick; Cyrier; Goldman; Harless; Harris; Hefner; Holland; Hunter; Krause; Landgraf; Lang; Metcalf; Middleton; Murr; Parker; Patterson; Paul; Phelan; Sanford; Schaefer; Shaheen; Smith; Springer; Stickland; Swanson; Thompson, E.; Tinderholt; White; Wilson; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Romero.

STATEMENTS OF VOTE

When Record No. 1618 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1618 was taken, my vote failed to register. I would have voted yes.

Romero

When Record No. 1618 was taken, I was shown voting yes. I intended to vote no.

Stucky

SB 2553 ON THIRD READING (Howard - House Sponsor)

SB 2553, A bill to be entitled An Act relating to the creation of the Save Historic Muny District; providing authority to issue bonds; providing authority to impose fees.

SB 2553 was passed by (Record 1619): 104 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Blanco; Bowers; Bucy; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Ortega; Pacheco; Paddie; Perez; Price; Ramos;

Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Turner, J.; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Bell, C.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Cain; Craddick; Flynn; Goldman; Harris; Hefner; Krause; Landgraf; Lang; Metcalf; Middleton; Miller; Murr; Noble; Oliverson; Parker; Patterson; Paul; Phelan; Sanford; Schaefer; Shaheen; Smith; Springer; Stickland; Swanson; Thompson, E.; Tinderholt; VanDeaver; Wilson; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Gutierrez; Johnson, J.D.

STATEMENT OF VOTE

When Record No. 1619 was taken, I was shown voting yes. I intended to vote no.

Dean

SB 1755 ON THIRD READING (Oliverson - House Sponsor)

SB 1755, A bill to be entitled An Act relating to the status of certain medical residents and fellows as governmental employees for purposes of the Texas Tort Claims Act.

SB 1755 was passed by (Record 1620): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Calanni; Nevárez.

STATEMENTS OF VOTE

When Record No. 1620 was taken, I was in the house but away from my desk. I would have voted yes.

Calanni

When Record No. 1620 was taken, I was in the house but away from my desk. I would have voted yes.

Nevárez

SB 2272 ON THIRD READING (Metcalf - House Sponsor)

SB 2272, A bill to be entitled An Act relating to the procedure for amending or revoking certificates of public convenience and necessity issued to certain water utilities.

SB 2272 was passed by (Record 1621): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Stephenson.

SB 2409 - RULES SUSPENDED HOUSE SPONSOR AUTHORIZED

Representative Martinez Fischer moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Lopez as a house sponsor to **SB 2409**.

The motion prevailed.

SB 2409 ON THIRD READING**(Moody, Martínez Fischer, and Lopez - House Sponsors)**

SB 2409, A bill to be entitled An Act relating to the Internet domain name used by a website that sells tickets to events.

SB 2409 was passed by (Record 1622): 113 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martínez Fischer; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zerwas; Zwiener.

Nays — Biedermann; Cain; Canales; Craddick; Cyrier; Dean; Flynn; Hefner; Holland; King, P.; Krause; Landgraf; Lang; Leman; Metcalf; Middleton; Murr; Oliverson; Parker; Patterson; Sanford; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Toth; White; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

STATEMENTS OF VOTE

When Record No. 1622 was taken, I was shown voting yes. I intended to vote no.

C. Bell

When Record No. 1622 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 1622 was taken, I was shown voting yes. I intended to vote no.

Harris

When Record No. 1622 was taken, I was shown voting yes. I intended to vote no.

Stucky

SB 1219 ON THIRD READING
(S. Thompson - House Sponsor)

SB 1219, A bill to be entitled An Act relating to human trafficking signs at certain transportation hubs.

SB 1219 was passed by (Record 1623): 139 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Lang; Middleton; Schaefer; Stickland.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

STATEMENT OF VOTE

When Record No. 1623 was taken, I was shown voting no. I intended to vote yes.

Middleton

SB 502 ON THIRD READING
(Howard - House Sponsor)

SB 502, A bill to be entitled An Act relating to requiring certain institutions of higher education to issue reports on the transferability of credit.

SB 502 was passed by (Record 1624): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner;

Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Landgraf.

SB 1231 ON THIRD READING
(Meyer, Leach, et al. - House Sponsors)

SB 1231, A bill to be entitled An Act relating to providing certain public and private school administrators with information regarding certain child abuse and neglect investigations and allegations.

SB 1231 was passed by (Record 1625): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Thierry.

STATEMENT OF VOTE

When Record No. 1625 was taken, my vote failed to register. I would have voted yes.

Thierry

**SB 799 ON THIRD READING
(Murphy - House Sponsor)**

SB 799, A bill to be entitled An Act relating to the creation of a business advisory council to provide advice on economic recovery following a disaster.

Amendment No. 1

Representative Murr offered the following amendment to **SB 799**:

Amend **SB 799** on third reading as follows:

(1) Strike Sections 418.055(b) and (c), Government Code, as added by Amendment No. 1 by Murr on second reading (page 1, lines 11 through 29, of the amendment) and substitute the following:

(b) The wet debris work group is established and composed of representatives of the division, any other state agencies selected by the division, and local and federal governmental entities.

(c) The chief of the division serves as chair of the work group.

(2) Strike the SECTION of the bill requiring the governor to appoint members to the wet debris work group as added by Amendment No. 1 by Murr on second reading (page 2, lines 22 through 26, of the amendment).

Amendment No. 1 was adopted.

Amendment No. 2

Representative Morrison offered the following amendment to **SB 799**:

Amend **SB 799** on third reading as follows:

(1) Strike the SECTION of the bill providing an effective date and substitute the following appropriately numbered SECTION:

SECTION _____. (a) Except as otherwise provided by this Act, this Act takes effect September 1, 2019.

(2) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill as appropriate:

SECTION _____. (a) Section 61.003(6), Education Code, is amended to read as follows:

(6) "Other agency of higher education" means The University of Texas System, System Administration; The University of Texas at El Paso [~~Western University~~] Museum; The Texas A&M University System, Administrative and General Offices; Texas A&M AgriLife Research [~~Agricultural Experiment Station~~]; Texas A&M AgriLife [~~Agricultural~~] Extension Service; Rodent and Predatory Animal Control Service (a part of the Texas A&M AgriLife [~~Agricultural~~] Extension Service); Texas A&M Engineering Experiment Station (including the Texas A&M Transportation Institute); Texas A&M Engineering Extension Service; Texas A&M Forest Service; Texas Division of Emergency

Management; Texas Tech University Museum; Texas State University System, System Administration; Sam Houston Memorial Museum; Panhandle-Plains Historical Museum; Cotton Research Committee of Texas; Texas Water Resources Institute [of Texas]; Texas A&M Veterinary Medical Diagnostic Laboratory; and any other unit, division, institution, or agency which shall be so designated by statute or which may be established to operate as a component part of any public senior college or university, or which may be so classified as provided in this chapter.

(b) Section 88.001, Education Code, is amended to read as follows:

Sec. 88.001. AGENCIES AND SERVICES. The agencies and services of the Texas A&M ~~[A & M]~~ University System are:

- (1) the Texas A&M Forest Service (see Subchapter B of this chapter);
- (2) ~~the~~ Texas A&M AgriLife Research ~~[Agricultural Experiment Station]~~ (see Subchapter C of this chapter);
- (3) the Texas A&M AgriLife ~~[Agricultural]~~ Extension Service, established by action of the board of directors;
- (4) the Texas A&M Engineering Experiment Station, established by action of the board of directors;
- (5) the Texas A&M Engineering Extension Service, established by action of the board of directors;
- (6) the Texas Division of Emergency Management (see Subchapter C, Chapter 418, Government Code); and
- (7) ~~[(6)]~~ other agencies and services that may be established by law or by action of the board of directors.

(c) Section 418.013(b), Government Code, is amended to read as follows:

(b) The emergency management council is composed of representatives of state agencies, boards, commissions, and organized volunteer groups designated by the head of each entity. At least once each biennium, the governor shall review the composition of the council and, if necessary, update or expand the participating entities.

(d) Section 418.041, Government Code, is amended to read as follows:

Sec. 418.041. ORGANIZATION. (a) The Texas Division of Emergency Management is a component ~~[division]~~ of The Texas A&M University System ~~[the department]~~.

(b) The division is managed by a chief appointed by the ~~[public safety director of the department, with the approval of the]~~ governor. The chief serves at the pleasure of the governor ~~[public safety director]~~. The chief must possess professional training and knowledge consisting of not less than five years of managerial or strategic planning experience in matters relating to public safety, security, emergency services, and emergency response.

(c) At least once every two months, the following shall meet to coordinate efforts, prevent overlap of activities, and ensure that the state's approach to emergency management and homeland security is unified:

- (1) a representative of the department;
- (2) a representative of the division;
- (3) ~~[a representative of the governor's office of homeland security;~~

~~[(4)]~~ the presiding officer of the Homeland Security Council; and
 (4) ~~[(5)]~~ a state agency representative from the emergency management council, selected by the chair of the emergency management council.

(d) The division shall employ other coordinating and planning officers and other professional, technical, secretarial, and clerical personnel necessary to the performance of its functions.

(e) The division shall manage and staff the state operations center under an agreement with the department.

(e) Section 418.050(c), Government Code, is amended to read as follows:

(c) The division, in consultation with representatives of affected parties and local emergency management directors, shall develop a reentry credentialing process. The division shall include the credentialing process in the phased reentry plan. The department ~~[Department of Public Safety of the State of Texas]~~ shall provide support for the credentialing process.

(f) Section 418.051(c), Government Code, is amended to read as follows:

(c) The communications coordination group consists of members selected by the division, including representatives of:

- (1) the Texas military forces;
- (2) the department ~~[Department of Public Safety of the State of Texas]~~;
- (3) the Federal Emergency Management Agency;
- (4) federal agencies that comprise Emergency Support Function No. 2;
- (5) the telecommunications industry, including cable service providers, as defined by Section 66.002, Utilities Code;
- (6) electric utilities, as defined by Section 31.002, Utilities Code;
- (7) gas utilities, as defined by Sections 101.003 and 121.001, Utilities Code;

(8) the National Guard's Joint Continental United States Communications Support Environment;

- (9) the National Guard Bureau;
- (10) amateur radio operator groups;
- (11) the Texas A&M Forest Service;
- (12) the Texas Department of Transportation;
- (13) the General Land Office;
- (14) the Texas A&M Engineering Extension Service ~~[of The Texas A&M University System]~~;

- (15) the Public Utility Commission of Texas;
- (16) the Railroad Commission of Texas;
- (17) the Department of State Health Services;
- (18) the judicial branch of state government;
- (19) the Texas Association of Regional Councils;
- (20) the United States Air Force Auxiliary Civil Air Patrol, Texas Wing;

- (21) each trauma service area regional advisory council;
- (22) state agencies, counties, and municipalities affected by the emergency, including 9-1-1 agencies; and
- (23) other agencies as determined by the division.

(g) On September 1, 2019:

(1) the administration of the Texas Division of Emergency Management shall be transferred from the Department of Public Safety of the State of Texas to The Texas A&M University System;

(2) all rules, policies, procedures, and decisions of the Department of Public Safety of the State of Texas relating to the administration of the Texas Division of Emergency Management are continued in effect as rules, policies, procedures, and decisions of The Texas A&M University System until superseded by a rule or other appropriate action by The Texas A&M University System;

(3) an employee of the Texas Division of Emergency Management as operated by the Department of Public Safety of the State of Texas becomes an employee of the Texas Division of Emergency Management under The Texas A&M University System;

(4) a reference in law or administrative rule to the Department of Public Safety of the State of Texas relating to the administration of the Texas Division of Emergency Management means The Texas A&M University System; and

(5) the Department of Public Safety of the State of Texas is responsible for the employer contribution for the cost of retiree insurance for employees of the Texas Division of Emergency Management who retire from the division before September 1, 2019.

(h) Not later than June 1, 2019, the Department of Public Safety of the State of Texas and The Texas A&M University System shall enter into a memorandum of understanding relating to the transfer of the administration of the Texas Division of Emergency Management from the Department of Public Safety of the State of Texas to The Texas A&M University System as provided by this Act. The memorandum must include:

(1) a timetable and specific steps and methods for the transfer on September 1, 2019, of all powers, duties, obligations, rights, contracts, leases, records, real or personal property, and unspent and unobligated appropriations and other funds relating to the administration of the Texas Division of Emergency Management from the Department of Public Safety of the State of Texas to The Texas A&M University System;

(2) measures to ensure against any unnecessary disruption to the operation of the Texas Division of Emergency Management during the transfer process; and

(3) a provision that the terms of any memorandum of understanding entered into previously by the governor, The Texas A&M University System, the Department of Public Safety of the State of Texas, and the Texas Division of Emergency Management and related to the transfer remain in effect until the transfer is completed.

(i) This section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section takes effect September 1, 2019.

SECTION _____. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.056 to read as follows:

Sec. 418.056. DISASTER RECOVERY TASK FORCE. (a) The division shall develop a disaster recovery task force to operate throughout the long-term recovery period following natural and man-made disasters by providing specialized assistance for communities and individuals to address financial issues, available federal assistance programs, and recovery and resiliency planning to speed recovery efforts at the local level.

(b) The disaster recovery task force may include and use the resources of:

(1) any appropriate state agencies, including institutions of higher education; and

(2) organized volunteer groups.

(c) The disaster recovery task force shall develop procedures for preparing and issuing a report listing each project related to a disaster that qualifies for federal assistance. A report must be submitted to the appropriate federal agencies as soon as practicable after any disaster.

(d) Once each quarter, the disaster recovery task force shall brief members of the legislature, legislative staff, and state agency personnel on the response and recovery efforts for previous disasters and any preparation or planning for potential future hazards, threats, or disasters.

SECTION _____. Chapter 418, Government Code, is amended by adding Subchapter C-1 to read as follows:

SUBCHAPTER C-1. DISASTER RECOVERY LOAN PROGRAM

Sec. 418.061. DEFINITIONS. In this subchapter:

(1) "Account" means the disaster recovery loan account created under Section 418.066.

(2) "Eligible political subdivision" means a county, municipality, or school district that meets the qualifications prescribed by Section 418.062.

Sec. 418.062. ELIGIBILITY FOR LOAN. A political subdivision may apply to the division for a loan under this subchapter if:

(1) the political subdivision:

(A) is located wholly or partly in an area declared to be a disaster area by the governor or the president of the United States; and

(B) before applying to the division for a loan under this subchapter:

(i) has submitted to the division, within 15 days of the date of its adoption by the governing body of the political subdivision, the political subdivision's operating budget for the most recent fiscal year; and

(ii) has submitted an application for a loan from the Federal Emergency Management Agency's community disaster loan program;

(2) an assessment of damages due to the disaster for which the declaration was made has been conducted in the political subdivision; and

(3) the division, in consultation with the Federal Emergency Management Agency, determines that the estimated cost to rebuild the political subdivision's infrastructure damaged in the disaster is greater than 50 percent of

the political subdivision's total revenue for the current year as shown in the most recent operating budget of the political subdivision submitted to the division under this section.

Sec. 418.063. DISASTER RECOVERY LOAN PROGRAM. The division by rule shall establish a loan program to use money from the account to provide short-term loans for disaster recovery projects to eligible political subdivisions.

Sec. 418.064. LOANS. (a) A loan made from the account must be subject to the following conditions:

(1) the loan must be made at or below market interest rates for a term not to exceed 10 years; and

(2) the loan proceeds must be expended by the eligible political subdivision solely for disaster recovery projects.

(b) The comptroller shall credit to the account all principal and interest payments on a loan from the account.

(c) If the term of a loan from the account exceeds two years, the state auditor shall, on the second anniversary of the date on which the eligible political subdivision received the loan, conduct a limited audit of the political subdivision to determine whether the political subdivision has the ability to repay the loan under the terms of the loan. The division may forgive a loan made to an eligible political subdivision if the state auditor determines that the political subdivision is unable to repay the loan. The state auditor's participation under this subsection is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c).

Sec. 418.065. APPLICATION FOR LOAN. The division shall develop and implement an application process for a loan under this subchapter. At a minimum, the application must include:

(1) a description of the disaster recovery project for which the applicant is requesting the loan;

(2) an estimate of the total cost of the project;

(3) a statement of the amount of federal money that the applicant will receive for the project, or, if that information is not available on the date the applicant submits the application, an estimate of the amount of that money; and

(4) evidence that the applicant has staff, policies, and procedures in place adequate to complete the project.

Sec. 418.066. CREATION OF ACCOUNT. (a) The disaster recovery loan account is created as an account in the general revenue fund with the comptroller, to be administered by the division.

(b) Money in the account may be used only to provide short-term loans to eligible political subdivisions in the manner provided by this subchapter.

(c) The account consists of:

(1) money appropriated, credited, or transferred to the account by the legislature;

(2) money received by the comptroller for the repayment of a loan made from the account;

(3) gifts or grants contributed to the account; and

(4) interest earned on deposits and investments of the account.

Sec. 418.067. RULES. The division shall adopt rules to implement and administer this subchapter. The rules adopted by the division to implement this subchapter must include the development of a form on which a political subdivision may electronically submit its budget to the division.

SECTION _____. The amount of \$60 million is appropriated from the general revenue fund to the disaster recovery loan account for the state fiscal biennium ending August 31, 2021, for the purpose of providing short-term loans to political subdivisions affected by a disaster in the manner provided by Subchapter C-1, Chapter 418, Government Code, as added by this Act.

Amendment No. 2 was adopted.

SB 799, as amended, was passed by (Record 1626): 140 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Stickland.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Wray.

REASON FOR VOTE

The amendments added on third reading today were numerous and long. I did not have time to read them and thus could not vote for the bill, as amended.

Cain

SB 2452 ON THIRD READING (M. González - House Sponsor)

SB 2452, A bill to be entitled An Act relating to the provision by the Texas Water Development Board of financial assistance for the development of certain projects in economically distressed areas.

Amendment No. 1

Representative Nevárez offered the following amendment to **SB 2452**:

Amend **SB 2452** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 364, Health and Safety Code, is amended by adding Section 364.0341 to read as follows:

Sec. 364.0341. SOLID WASTE DISPOSAL SERVICES IN EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality wholly or partly located in a county with a population of more than 54,000 and less than 54,500.

(b) Notwithstanding Sections 364.011(a) and 364.034(a), a county may offer, require the use of, and charge a fee for solid waste disposal services in the extraterritorial jurisdiction of a municipality.

(c) A municipality may not provide solid waste disposal services or charge a fee for those services in the municipality's extraterritorial jurisdiction if the county provides those services under Subsection (b).

Amendment No. 1 - Point of Order

Representative M. González raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 1 was withdrawn.

SB 2452 was passed by (Record 1627): 103 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Bailes; Beckley; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Kuempel; Lambert; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Morales; Morrison; Muñoz; Murr; Neave; Nevárez; Ortega; Pacheco; Paddie; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smithee; Springer; Stephenson; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zerwas; Zwiener.

Nays — Anderson; Bell, C.; Biedermann; Bonnen; Cain; Clardy; Craddick; Cyrier; Goldman; Harless; Harris; Hefner; Holland; Hunter; King, P.; Klick; Krause; Landgraf; Metcalf; Meyer; Middleton; Miller; Murphy; Noble; Oliverson; Parker; Patterson; Paul; Phelan; Sanford; Schaefer; Shaheen; Smith; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

STATEMENTS OF VOTE

When Record No. 1627 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 1627 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 1627 was taken, I was shown voting no. I intended to vote yes.

Phelan

SB 355 ON THIRD READING

(Klick - House Sponsor)

SB 355, A bill to be entitled An Act relating to developing a strategic plan regarding implementation of prevention and early intervention services and community-based care.

SB 355 was passed by (Record 1628): 142 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Stickland.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

STATEMENT OF VOTE

When Record No. 1628 was taken, I was shown voting no. I intended to vote yes.

Cain

SB 2283 ON THIRD READING (Dutton - House Sponsor)

SB 2283, A bill to be entitled An Act relating to the eligibility of persons convicted of certain offenses to serve as a member of a board of trustees of a school district.

SB 2283 was passed by (Record 1629): 140 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; González, J.; Stickland.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Stucky.

STATEMENTS OF VOTE

When Record No. 1629 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 1629 was taken, I was shown voting no. I intended to vote yes.

J. González

REMARKS ORDERED PRINTED

Representative Oliverson moved to print remarks between Representative G. Bonnen and Representative Oliverson on **SB 11**.

The motion prevailed.

GENERAL STATE CALENDAR

(consideration continued)

SB 237 ON THIRD READING

(Goldman - House Sponsor)

SB 237, A bill to be entitled An Act relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation.

SB 237 was passed by (Record 1630): 142 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Stickland.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

STATEMENT OF VOTE

When Record No. 1630 was taken, I was shown voting no. I intended to vote yes.

Cain

SB 1311 ON THIRD READING

(Raney - House Sponsor)

SB 1311, A bill to be entitled An Act relating to the electronic transmission of an invoice or notice of toll nonpayment by a toll project entity.

SB 1311 was passed by (Record 1631): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Meyer.

SB 1636 ON THIRD READING **(Price - House Sponsor)**

SB 1636, A bill to be entitled An Act relating to an annual report prepared by the Health Professions Council.

SB 1636 was passed by (Record 1632): 137 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson;

Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Biedermann; Cain; Middleton; Stickland; Wilson; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Capriglione.

SB 820 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED

Representative Bernal moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Talarico as a co-sponsor to **SB 820**.

The motion prevailed.

SB 820 ON THIRD READING
(Meyer - House Sponsor)

SB 820, A bill to be entitled An Act relating to a requirement that a school district adopt a cybersecurity policy.

SB 820 was passed by (Record 1633): 133 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Canales; Frank; Hefner; Middleton; Patterson; Schaefer; Stickland; Wilson.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Huberty.

SB 1702 ON THIRD READING
(Dutton - House Sponsor)

SB 1702, A bill to be entitled An Act relating to the powers and duties of the office of independent ombudsman for the Texas Juvenile Justice Department.

SB 1702 was passed by (Record 1634): 116 Yeas, 27 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez; Craddick; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smithee; Stephenson; Stickland; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Ashby; Biedermann; Bonnen; Cain; Clardy; Cyrier; Goldman; Harris; Hefner; Hunter; King, P.; Krause; Lang; Leman; Middleton; Noble; Oliverson; Patterson; Sanford; Schaefer; Shaheen; Smith; Springer; Stucky; Tinderholt; Toth; Wilson.

Present, not voting — Mr. Speaker; Moody(C); Zedler.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

STATEMENTS OF VOTE

When Record No. 1634 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 1634 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 1634 was taken, I was shown voting yes. I intended to vote no.

Parker

SB 1754 ON THIRD READING
(K. Bell and Burns - House Sponsors)

SB 1754, A bill to be entitled An Act relating to the prosecution of the offense of taking or attempting to take a weapon from certain officers, investigators, employees, or officials.

SB 1754 was passed by (Record 1635): 137 Yeas, 6 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thompson, E.; Tinderholt; Toth; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Zedler; Zerwas; Zwiener.

Nays — Dominguez; González, J.; Middleton; Thompson, S.; Turner, C.; Wu.

Present, not voting — Mr. Speaker; Moody(C); Thierry.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

STATEMENT OF VOTE

When Record No. 1635 was taken, I was shown voting no. I intended to vote yes.

Middleton

SB 1451 ON THIRD READING (Ashby - House Sponsor)

SB 1451, A bill to be entitled An Act relating to the ability of public school teachers to maintain student discipline without being subjected to adverse employment consequences.

SB 1451 was passed by (Record 1636): 124 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Biedermann; Bohac; Bonnen; Bowers; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Huberty; Hunter; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer;

Meza; Middleton; Miller; Minjarez; Morales; Morrison; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; Toth; VanDeaver; Walle; White; Wilson; Wray; Zedler; Zerwas.

Nays — Anchia; Bernal; Blanco; Bucy; Calanni; Canales; Guerra; Howard; Israel; Muñoz; Ortega; Romero; Stickland; Talarico; Thierry; Turner, C.; Turner, J.; Vo; Wu; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

SB 1083 ON THIRD READING
(Rodriguez - House Sponsor)

SB 1083, A bill to be entitled An Act relating to compensation to be paid to an emergency services district for a municipality's annexation of the district's territory.

SB 1083 was passed by (Record 1637): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Capriglione.

SB 384 ON THIRD READING
(Sheffield - House Sponsor)

SB 384, A bill to be entitled An Act relating to the reporting of health care-associated infections and preventable adverse events at health care facilities.

SB 384 was passed by (Record 1638): 138 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Hefner; Lang; Schaefer; Stickland; Tinderholt.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

SB 569 ON THIRD READING
(G. Bonnen - House Sponsor)

SB 569, A bill to be entitled An Act relating to the regulation of listed family homes.

SB 569 was passed by (Record 1639): 120 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smith; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Bell, C.; Biedermann; Cain; Dean; Flynn; Hefner; Krause; Landgraf; Lang; Metcalf; Middleton; Murr; Oliverson; Patterson; Sanford; Schaefer; Shaheen; Springer; Stickland; Swanson; Tinderholt; Toth; Wilson; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

STATEMENTS OF VOTE

When Record No. 1639 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 1639 was taken, I was shown voting yes. I intended to vote no.

Leman

When Record No. 1639 was taken, I was shown voting yes. I intended to vote no.

White

When Record No. 1639 was taken, I was shown voting yes. I intended to vote no.

Wray

SB 1177 ON THIRD READING (Rose - House Sponsor)

SB 1177, A bill to be entitled An Act relating to offering certain evidence-based services in lieu of other mental health or substance use disorder services by a Medicaid managed care organization.

SB 1177 was passed by (Record 1640): 109 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Biedermann; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Lambert; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Ortega; Pacheco; Paddie; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smith; Smithee; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Bell, C.; Bonnen; Cain; Cyrier; Dean; Goldman; Harris; Hefner; Holland; Hunter; King, P.; Klick; Krause; Kuempel; Landgraf; Lang; Leach; Metcalf; Middleton; Murr; Noble; Oliverson; Parker; Patterson; Sanford; Schaefer; Shaheen; Springer; Stickland; Stucky; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Nevárez.

STATEMENTS OF VOTE

When Record No. 1640 was taken, I was shown voting no. I intended to vote yes.

Krause

When Record No. 1640 was taken, I was shown voting no. I intended to vote yes.

Sanford

When Record No. 1640 was taken, I was shown voting yes. I intended to vote no.

Wray

SB 489 ON THIRD READING (Smithee - House Sponsor)

SB 489, A bill to be entitled An Act relating to personal information that may be omitted from certain records, licenses, and reports and to other court security measures.

Amendment No. 1

Representatives Smithee and Talarico offered the following amendment to **SB 489**:

Amend **SB 489** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 159, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PROTECTION FOR JUDICIAL OFFICERS

Sec. 159.071. OMISSION OF ADDRESS. (a) In this section:

(1) "County attorney" means a county attorney whose jurisdiction includes any criminal law or child protective services matter.

(2) "State judge" has the meaning assigned by Section 13.0021, Election Code.

(b) On receiving notice from the Office of Court Administration of the Texas Judicial System of a county attorney's or state judge's qualifications for office or on receipt of a written request from a county attorney, state judge, spouse of a county attorney or state judge, or candidate for the office of county

attorney or state judge, the county clerk shall remove or redact the residence address of the county attorney, state judge, spouse of a county attorney or state judge, or candidate for the office of county attorney or state judge from any report filed under this chapter by the county attorney, state judge, or candidate before the statement is made available to a member of the public.

SECTION _____. Section 145.007, Local Government Code, is amended by adding Subsection (d) to read as follows:

(d) On the written request of a municipal court judge of the municipality or a candidate for municipal court judge, the clerk or secretary of the municipality shall remove or redact the residence address of the municipal court judge, municipal court judge's spouse, or candidate for the office of municipal court judge, from a financial statement filed under this chapter before the financial statement is made available to a member of the public.

Amendment No. 1 was adopted.

SB 489, as amended, was passed by (Record 1641): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Smith.

SB 1454 ON THIRD READING **(Huberty - House Sponsor)**

SB 1454, A bill to be entitled An Act relating to the ownership, sale, lease, and disposition of property and management of assets of an open-enrollment charter school.

SB 1454 was passed by (Record 1642): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Toth.

STATEMENT OF VOTE

When Record No. 1642 was taken, my vote failed to register. I would have voted yes.

Toth

SB 662 ON THIRD READING (Paddie - House Sponsor)

SB 662, A bill to be entitled An Act relating to the availability of personal information of a statewide elected official or member of the legislature.

SB 662 was passed by (Record 1643): 142 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble;

Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C); Murr.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Meza.

SB 71 ON THIRD READING (S. Thompson - House Sponsor)

SB 71, A bill to be entitled An Act relating to the establishment of a statewide telehealth center for sexual assault forensic medical examination.

SB 71 was passed by (Record 1644): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Frullo.

STATEMENT OF VOTE

When Record No. 1644 was taken, my vote failed to register. I would have voted yes.

Frullo

SB 345 ON THIRD READING
(Toth - House Sponsor)

SB 345, A bill to be entitled An Act relating to the use of land in the William Goodrich Jones State Forest.

SB 345 was passed by (Record 1645): 118 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bowers; Bucy; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smith; Smithee; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zerwas; Zwiener.

Nays — Bonnen; Buckley; Burns; Cain; Frank; Goldman; Harless; Harris; Hefner; Holland; Krause; Lang; Leman; Middleton; Miller; Murr; Patterson; Sanford; Schaefer; Shaheen; Springer; Stickland; Tinderholt; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

SB 741 ON THIRD READING
(Landgraf - House Sponsor)

SB 741, A bill to be entitled An Act relating to restrictive covenants regarding firearms or firearm ammunition.

SB 741 was passed by (Record 1646): 106 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bowers; Buckley; Burns; Burrows; Button; Cain; Canales; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Herrero; Holland; Huberty; Hunter; Johnson, J.D.; Kacal; King, P.; King, T.; Klick; Krause; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Morrison; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Raymond; Rodriguez; Rosenthal; Sanford; Schaefer;

Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; VanDeaver; Walle; Wilson; Wray; Zedler; Zerwas.

Nays — Anchia; Bernal; Bonnen; Bucy; Calanni; Capriglione; Davis, Y.; Dominguez; González, J.; Goodwin; Hernandez; Hinojosa; Howard; Israel; Johnson, J.E.; King, K.; Kuempel; Longoria; Lopez; Lucio; Middleton; Miller; Morales; Muñoz; Ortega; Perez; Ramos; Reynolds; Romero; Rose; Sherman; Talarico; Turner, C.; Turner, J.; Vo; White; Wu; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

STATEMENTS OF VOTE

When Record No. 1646 was taken, I was shown voting yes. I intended to vote no.

Allen

When Record No. 1646 was taken, I was shown voting yes. I intended to vote no.

Farrar

When Record No. 1646 was taken, I was shown voting yes. I intended to vote no.

Guerra

When Record No. 1646 was taken, I was shown voting no. I intended to vote yes.

K. King

When Record No. 1646 was taken, I was shown voting no. I intended to vote yes.

Kuempel

When Record No. 1646 was taken, I was shown voting yes. I intended to vote no.

Meza

When Record No. 1646 was taken, I was shown voting no. I intended to vote yes.

Middleton

When Record No. 1646 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

When Record No. 1646 was taken, I was shown voting no. I intended to vote yes.

White

SB 405 ON THIRD READING
(Moody and Burns - House Sponsors)

SB 405, A bill to be entitled An Act relating to the criminal offense of making a false report to a peace officer, federal special investigator, law enforcement employee, corrections officer, or jailer.

SB 405 was passed by (Record 1647): 141 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Dominguez; González, J.; Schaefer.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

SB 41 ON THIRD READING
(Smithee - House Sponsor)

SB 41, A bill to be entitled An Act relating to exemptions to reporting and list requirements for certain attorneys ad litem, guardians ad litem, amicus attorneys, mediators, and guardians.

SB 41 was passed by (Record 1648): 142 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano;

Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C); Wu.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Herrero.

REASON FOR VOTE

I voted "PNV" on **SB 41** on final passage because the change in statute created by this legislation would have directly affected my practice as a court appointed Ad Litem.

Wu

SB 1757 ON THIRD READING (Frullo - House Sponsor)

SB 1757, A bill to be entitled An Act relating to student loan repayment assistance under the math and science scholars loan repayment program.

Amendment No. 1

Representative Pacheco offered the following amendment to **SB 1757**:

Amend **SB 1757** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 61.9835(a), Education Code, is amended to read as follows:

(a) The board may provide repayment assistance under this subchapter for the repayment of any student loan that:

(1) is for education at:

(A) a public or private institution of higher education; or

(B) a nonprofit, tax-exempt, regionally accredited college or university operating in accordance with a memorandum of understanding with this state under an executive order issued by the governor; and

(2) is received by an eligible person through an eligible lender.

Amendment No. 1 was adopted.

SB 1757, as amended, was passed by (Record 1649): 101 Yeas, 41 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Blanco; Bowers; Bucy; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Darby; Davis, Y.; Deshotel; Dominguez; Dutton;

Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Ortega; Pacheco; Paul; Perez; Phelan; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Smith; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zerwas; Zwiener.

Nays — Bell, C.; Biedermann; Bohac; Buckley; Burns; Cain; Craddick; Cyrier; Dean; Harris; Hefner; Holland; Hunter; Krause; Landgraf; Lang; Leach; Metcalf; Middleton; Miller; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Price; Sanford; Schaefer; Shaheen; Shine; Smithee; Springer; Stickland; Stucky; Swanson; Tinderholt; Toth; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker; Moody(C); Nevárez.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Bonnen.

STATEMENTS OF VOTE

When Record No. 1649 was taken, my vote failed to register. I would have voted no.

G. Bonnen

When Record No. 1649 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 1649 was taken, I was shown voting yes. I intended to vote no.

Leman

When Record No. 1649 was taken, I was shown voting no. I intended to vote yes.

Paddie

When Record No. 1649 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 1649 was taken, I was shown voting yes. I intended to vote no.

Phelan

When Record No. 1649 was taken, I was shown voting no. I intended to vote yes.

Price

When Record No. 1649 was taken, I was shown voting yes. I intended to vote no.

E. Thompson

SB 65 ON THIRD READING
(Geren - House Sponsor)

SB 65, A bill to be entitled An Act relating to oversight of and requirements applicable to state agency contracting and procurement.

Amendment No. 1

Representatives Capriglione, Patterson, Noble, Morrison, Hefner, Middleton, Frullo, G. Bonnen, Shaheen, Parker, P. King, Stephenson, Wilson, Krause, Murphy, Rodriguez, Stucky, Klick, Martinez Fischer, White, Schaefer, Metcalf, Coleman, Button, Meyer, Tinderholt, Craddick, Phelan, Raney, Miller, C. Bell, Paul, Sanford, Dean, Harris, and Oliverson offered the following amendment to **SB 65**:

Amend **SB 65** on third reading as follows:

(1) In SECTION 28 of the bill, strike Subdivision (6) of that section (page 23, line 10) and renumber the subdivisions of that SECTION accordingly.

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2252.908(b), Government Code, is amended to read as follows:

(b) This section applies only to a contract of a governmental entity or state agency that:

(1) requires an action or vote by the governing body of the entity or agency before the contract may be signed; ~~[or]~~

(2) has a value of at least \$1 million; or

(3) is for services that would require a person to register as a lobbyist under Chapter 305.

SECTION _____. (a) Section 2254.030, Government Code, is amended to read as follows:

Sec. 2254.030. REQUIRED DISCLOSURE AND ITEMIZATION OF CERTAIN EXPENDITURES RELATING TO LOBBYING ACTIVITIES ~~[PUBLICATION IN TEXAS REGISTER]~~ AFTER ENTERING INTO A ~~[MAJOR]~~ CONSULTING SERVICES CONTRACT. (a) A political subdivision that enters or has entered into a contract for consulting services with a state agency, regardless of whether the term of the contract has expired, shall prominently display on the political subdivision's Internet website the following regarding contracts for services that would require a person to register as a lobbyist under Chapter 305:

(1) the execution dates;

(2) the contract duration terms, including any extension options;
(3) the effective dates;
(4) the final amount of money the political subdivision paid in the previous fiscal year; and
(5) a list of all legislation advocated for, on, or against by all parties and subcontractors to the contract, including the position taken on each piece of legislation in the prior fiscal year.

(b) In lieu of displaying the items described by Subsections (a)(1)-(6) regarding a contract for services that would require a person to register as a lobbyist under Chapter 305, a political subdivision may post on the political subdivision's Internet website the contract for those services.

(c) Information required to be displayed on a political subdivision's Internet website under this section is public information subject to disclosure under Chapter 552.

(d) The proposed budget of a political subdivision described by Subsection (a) must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Section 305.002
~~[Not later than the 20th day after the date of entering into a major consulting services contract, the contracting state agency shall file with the secretary of state for publication in the Texas Register:~~

~~[(1) a description of the activities that the consultant will conduct;~~

~~[(2) the name and business address of the consultant;~~

~~[(3) the total value and the beginning and ending dates of the contract;~~

~~and~~

~~[(4) the dates on which documents, films, recordings, or reports that the consultant is required to present to the agency are due].~~

(b) Section 2254.030, Government Code, as amended by this section, applies to a consulting services contract entered into by a political subdivision before, on, or after the effective date of this Act.

Amendment No. 1 was adopted.

SB 65, as amended, was passed by (Record 1650): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller;

Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Anderson.

STATEMENT OF VOTE

When Record No. 1650 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

SB 54 ON THIRD READING (M. González - House Sponsor)

SB 54, A bill to be entitled An Act relating to a study regarding the appropriate methods and standards to evaluate certain students participating in regional day school programs for the deaf.

SB 54 was passed by (Record 1651): 112 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Patterson; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smithee; Stephenson; Swanson; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zerwas; Zwiener.

Nays — Biedermann; Bonnen; Cain; Cyrier; Goldman; Harris; Hefner; Holland; Hunter; King, P.; Krause; Landgraf; Lang; Leman; Middleton; Miller; Murr; Oliverson; Paul; Sanford; Schaefer; Shaheen; Smith; Springer; Stickland; Stucky; Thompson, E.; Tinderholt; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Burrows.

STATEMENT OF VOTE

When Record No. 1651 was taken, I was shown voting yes. I intended to vote no.

Anderson

SB 64 ON THIRD READING (Phelan - House Sponsor)

SB 64, A bill to be entitled An Act relating to cybersecurity for information resources.

SB 64 was passed by (Record 1652): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Canales.

SB 489 - VOTE RECONSIDERED

Representative Smithee moved to reconsider the vote by which **SB 489**, as amended, was passed by Record No. 1641.

The motion to reconsider prevailed.

SB 489 ON THIRD READING (Smithee - House Sponsor)

The chair laid before the house, on its third reading and final passage,

SB 489, A bill to be entitled An Act relating to personal information that may be omitted from certain records, licenses, and reports and to other court security measures.

SB 489 was read third time earlier today and was passed, as amended.

Amendment No. 1 - Vote Reconsidered

Representative Smithee moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 2

Representative Smithee offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Smithee to **SB 489** on third reading by inserting the following immediately after page 1, line 29:

spouse, or candidate for the office of municipal court judge, from a financial statement filed under this chapter before the financial statement is made available to a member of the public.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

SB 489, as amended, was passed by (Record 1653): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Stickland.

GENERAL STATE CALENDAR**(consideration continued)****SB 132 ON THIRD READING****(Longoria and Guerra - House Sponsors)**

SB 132, A bill to be entitled An Act relating to operation of the Texas leverage fund program administered by the Texas Economic Development Bank.

SB 132 was passed by (Record 1654): 90 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Bailes; Beckley; Bernal; Blanco; Bowers; Bucy; Burrows; Button; Calanni; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Huberty; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Kuempel; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Ortega; Pacheco; Paddie; Perez; Phelan; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smithee; Stephenson; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Zerwas; Zwiener.

Nays — Anderson; Bell, C.; Biedermann; Bohac; Bonnen; Buckley; Burns; Cain; Craddick; Cyrier; Flynn; Frank; Goldman; Harless; Harris; Hefner; Holland; Hunter; King, P.; Klick; Krause; Landgraf; Lang; Leach; Leman; Metcalf; Middleton; Miller; Murr; Noble; Oliverson; Parker; Patterson; Paul; Price; Sanford; Schaefer; Shaheen; Smith; Springer; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; White; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Canales; Herrero; Wu.

**SB 30 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Murphy moved to suspend Rule 8, Section 5(d), of the House Rules to designate as house sponsors and co-sponsors for **SB 30** all joint authors and co-authors for **HB 3909**.

The motion prevailed.

SB 30 ON THIRD READING**(Phelan, Metcalf, Sanford, and Longoria - House Sponsors)**

SB 30, A bill to be entitled An Act relating to ballot language requirements for a proposition seeking voter approval for the issuance of bonds.

Amendment No. 1

Representative Cain offered the following amendment to **SB 30**:

Amend **SB 30** on third reading as follows:

(1) In **SECTION 3** of the bill, in the transition language, strike "The change in law made by this Act applies" and substitute the following:

"Section 45.003, Education Code, as amended by this Act, and Section 52.072, Election Code, as amended by this Act, apply"

(2) Add the following appropriately numbered **SECTIONS** to the bill and renumber subsequent **SECTIONS** of the bill accordingly:

SECTION ____. Subchapter A, Chapter 45, Education Code, is amended by adding Sections 45.0032, 45.0033, 45.0034, and 45.0035 to read as follows:

Sec. 45.0032. BALLOT LANGUAGE FOR TAX-SUPPORTED BONDS.

(a) In this section:

(1) "New infrastructure project" means a project to construct, acquire, purchase, or finance new facilities, sites for school buildings, other property, or school buses.

(2) "Replacements and upgrades project" means a project other than a new infrastructure project related to replacing or upgrading existing facilities, sites for school buildings, other property, or school buses.

(b) A ballot prepared for an election to authorize the issuance of bonds described by Section 45.001 may contain not more than two propositions as follows:

(1) a proposition to issue bonds for new infrastructure projects that provides for voting for or against authorizing the issuance of bonds to support all new infrastructure projects listed in the proposition; and

(2) a proposition to issue bonds for replacements and upgrades projects that provides for voting for or against authorizing the issuance of bonds to support all replacements and upgrades projects listed in the proposition.

Sec. 45.0033. VOTER INFORMATION DOCUMENT FOR TAX-SUPPORTED BONDS. (a) A governing board or commissioners court that calls an election under Section 45.003 must prepare a voter information document for each proposition to be voted on at the election. The governing board or commissioners court shall post the voter information document in the same manner that a debt obligation election order is required to be posted under Section 4.003(f), Election Code, and may include the voter information document in the election order. The voter information document must distinctly state:

(1) the language that will appear on the ballot;

(2) the following information formatted as a table:

(A) the principal of the bonds to be authorized;

(B) the estimated interest for the bonds to be authorized;

(C) the estimated combined principal and interest required to pay on time and in full the bonds to be authorized; and

(D) as of the date the governing board or commissioners court adopts the election order:

(i) the principal of all outstanding debt obligations of the district;

(ii) the estimated remaining interest on all outstanding debt obligations of the district, which may be based on the district's expectations relative to the interest due on any variable rate debt obligations; and

(iii) the estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the district, which may be based on the district's expectations relative to the interest due on any variable rate debt obligations;

(3) the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the district with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved, based upon assumptions made by the governing board or commissioners court;

(4) for each proposed project included in a proposition to issue bonds:

(A) a visual depiction of the design or concept of each proposed project;

(B) a statement of the needs to be addressed by each proposed project and how the project will address those needs;

(C) a detailed description of any equipment to be purchased for the proposed project, the number of individual pieces of equipment to be purchased, and the cost of each individual piece of equipment; and

(D) a statement of the projected effect of each proposed project regarding existing facilities of the district, including, as applicable, the projected effect on class size ratios in the district or the number of school events that may be supported by the project;

(5) for a new infrastructure project listed in a proposition described under Section 45.0032(b)(1), other than a project for the acquisition, purchase, or financing of school buses, the geographic location proposed for the project; and

(6) any other information that the governing board or commissioners court considers relevant or necessary to explain the information required by this subsection.

(b) The governing board or commissioners court may not include in the voter information document required under this section information regarding the geographic location for a replacements and upgrades project listed in a proposition described by Section 45.0032(b)(2).

(c) The governing board or commissioners court shall identify in the election order the major assumptions made in connection with the statement required by Subsection (a)(3), including:

(1) the amortization of the district's debt obligations, including outstanding debt obligations and the debt obligations for the proposed bonds;

(2) changes in estimated future appraised values within the district; and

(3) the assumed interest rate on the proposed bonds.

(d) A district that maintains an Internet website shall provide the information described by Subsection (a) on its website in an easily accessible manner beginning not later than the 21st day before election day and ending on the day after the date of the election.

Sec. 45.0034. NOTICE REQUIREMENTS: ISSUANCE OF CERTIFICATES OF OBLIGATION ON TAX-SUPPORTED BONDS. (a) In addition to the requirements provided under Section 271.049, Local Government Code, a district that issues a certificate of obligation on bonds described by Section 45.001 must comply with the additional notice requirements provided by this section.

(b) A district that maintains an Internet website shall publish notice of the district's intention to issue the certificates on the district's website for at least 45 days before the date tentatively set for the passage of the resolution or order authorizing the issuance of the certificate.

(c) The notice of a district's issuance of certificates of obligation on bonds described by Section 45.001 must state the following:

(1) the then-current principal of all outstanding debt obligations of the district;

(2) the then-current combined principal and interest required to pay all outstanding debt obligations of the district on time and in full, which may be based on the district's expectations relative to the interest due on any variable rate debt obligations;

(3) the maximum principal amount of the certificates to be authorized;

(4) the estimated combined principal and interest required to pay the certificates to be authorized on time and in full;

(5) the estimated interest rate for the certificates to be authorized or that the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and

(6) the maximum maturity date of the certificates to be authorized.

Sec. 45.0035. CONFLICT OF LAW. (a) Sections 45.0032 and 45.0033 provide the ballot proposition language and voter information document requirements for an election to authorize the issuance of bonds described by Section 45.001. To the extent of a conflict between a provision of this subchapter and another law applicable to the ballot proposition language or voter information document requirements for an election to authorize the issuance of bonds, this subchapter controls.

(b) An officer or employee of a governing board who, in compliance with Section 45.0033, provides the information required in a voter information document under that section does not violate Section 255.003(b-1), Election Code, regardless of whether the information provided is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

SECTION ____. (a) Sections 45.0032, 45.0033, 45.0034, and 45.0035, Education Code, as added by this Act, apply only to a ballot for an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose.

(b) Section 45.0034, Education Code, as added by this Act, applies only to a certificate of obligation for which the first notice of intention to issue the certificate is made on or after the effective date of this Act. A certificate of

obligation for which the first notice of intention to issue the certificate is made before the effective date of this Act is governed by the law in effect when the notice of intention is made, and the former law is continued in effect for that purpose.

Amendment No. 1 failed of adoption.

SB 30 was passed by (Record 1655): 137 Yeas, 5 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Rodriguez; Romero; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Bowers; Calanni; Lopez; Ramos; Sherman.

Present, not voting — Mr. Speaker; Moody(C); Thierry.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Rose.

STATEMENT OF VOTE

When Record No. 1655 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

SB 322 ON THIRD READING (Murphy - House Sponsor)

SB 322, A bill to be entitled An Act relating to the evaluation and reporting of investment practices and performance of certain public retirement systems.

SB 322 was passed by (Record 1656): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman;

Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

SB 1412 ON THIRD READING **(Burrows - House Sponsor)**

SB 1412, A bill to be entitled An Act relating to accountability intervention provisions applicable to school district campuses, including the creation of accelerated campus excellence turnaround plans and the conditions under which a closed campus may be repurposed to serve students at that campus location.

SB 1412 was passed by (Record 1657): 119 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Capriglione; Cole; Coleman; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dominguez; Dutton; Farrar; Flynn; Frank; Frullo; Geren; Goldman; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Middleton; Miller; Minjarez; Morrison; Muñoz; Murphy; Murr; Nevárez; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Raymond; Rodriguez; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Anchia; Blanco; Calanni; Canales; Collier; Davis, Y.; Fierro; González, J.; González, M.; Goodwin; Hinojosa; Johnson, J.E.; Meza; Neave; Ortega; Perez; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Clardy; King, T.; Morales.

STATEMENTS OF VOTE

When Record No. 1657 was taken, I was shown voting yes. I intended to vote no.

Allen

When Record No. 1657 was taken, I was shown voting yes. I intended to vote no.

Beckley

When Record No. 1657 was taken, I was shown voting yes. I intended to vote no.

Farrar

When Record No. 1657 was taken, I was shown voting yes. I intended to vote no.

Gutierrez

When Record No. 1657 was taken, I was shown voting yes. I intended to vote no.

Martinez

When Record No. 1657 was taken, I was in the house but away from my desk. I would have voted no.

Morales

When Record No. 1657 was taken, my machine malfunctioned and I was shown voting yes. I intended to vote no.

Nevárez

When Record No. 1657 was taken, I was shown voting yes. I intended to vote no.

Pacheco

When Record No. 1657 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

**SB 511 ON THIRD READING
(Clardy - House Sponsor)**

SB 511, A bill to be entitled An Act relating to the installation of unsafe motor vehicle tires; providing a civil penalty.

SB 511 was passed by (Record 1658): 79 Yeas, 64 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Geren; González, J.; González, M.;

Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Israel; Johnson, J.E.; Kacal; King, K.; King, T.; Kuempel; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Morales; Muñoz; Murphy; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zerwas; Zwiener.

Nays — Anderson; Bailes; Bell, C.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Goldman; Harless; Harris; Hefner; Holland; Hunter; King, P.; Klick; Krause; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Miller; Morrison; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Sanford; Schaefer; Shaheen; Smith; Smithee; Springer; Stickland; Stucky; Swanson; Tinderholt; Toth; White; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.

STATEMENT OF VOTE

When Record No. 1658 was taken, I was shown voting yes. I intended to vote no.

Ashby

SB 559 ON THIRD READING

(Hinojosa, Walle, Guerra, S. Thompson, and Lopez - House Sponsors)

SB 559, A bill to be entitled An Act relating to patient records regarding maternal death.

SB 559 was passed by (Record 1659): 142 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee;

Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C); Nevárez.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Stickland.

SB 560 ON THIRD READING
(Smithee - House Sponsor)

SB 560, A bill to be entitled An Act relating to a plan and report on court-ordered representation for certain suits affecting the parent-child relationship.

SB 560 was passed by (Record 1660): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Dutton; Stickland.

SB 230 ON THIRD READING
(Guillen - House Sponsor)

SB 230, A bill to be entitled An Act relating to a landowner's liability for injuries incurred during certain recreational activities.

SB 230 was passed by (Record 1661): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Stickland.

SB 706 ON THIRD READING (Guerra - House Sponsor)

SB 706, A bill to be entitled An Act relating to an investigation unit within the Health and Human Services Commission for certain illegally operating child-care facilities.

SB 706 was passed by (Record 1662): 91 Yeas, 51 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bernal; Blanco; Bohac; Bowers; Bucy; Burrows; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; King, P.; King, T.; Klick; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Morales; Morrison; Muñoz; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smithee; Stephenson; Stickland; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zerwas; Zwiener.

Nays — Bell, C.; Biedermann; Bonnen; Buckley; Burns; Cain; Capriglione; Craddick; Cyrier; Dean; Flynn; Goldman; Harris; Hefner; Holland; Kacal; King, K.; Krause; Kuempel; Lambert; Landgraf; Lang; Leach; Leman; Metcalf;

Middleton; Miller; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Sanford; Schaefer; Shaheen; Smith; Springer; Stucky; Swanson; Tinderholt; Toth; VanDeaver; White; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker; Ashby; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Herrero.

STATEMENT OF VOTE

When Record No. 1662 was taken, I was shown voting yes. I intended to vote no.

E. Thompson

SB 819 ON THIRD READING (Phelan - House Sponsor)

SB 819, A bill to be entitled An Act relating to state agency electronic information and processes.

SB 819 was passed by (Record 1663): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Bowers; Dutton; Klick.

SB 562 ON THIRD READING (Price, Collier, S. Thompson, and Rose - House Sponsors)

SB 562, A bill to be entitled An Act relating to criminal or juvenile procedures regarding persons who are or may be persons with a mental illness or intellectual disability.

Amendment No. 1

Representative Moody offered the following amendment to **SB 562**:

Amend **SB 562** on third reading, in the SECTION of the bill added by Amendment No. 1 by Moody adopted on second reading that adds Section 125.005, Government Code, as follows:

(1) Strike Subsection (c)(1) of added Section 125.005, Government Code (page 7, lines 28 and 29 of the amendment), and substitute the following:

(1) the county receives federal or state funding specifically for that purpose in an amount sufficient to pay the fund costs of the mental health court program; and

(2) Strike Subsection (d) of added Section 125.005, Government Code (page 8, lines 1-4, of the amendment), and substitute the following:

(d) A county that is required under this section to establish a mental health court program and fails to establish or to maintain that program is ineligible to receive grant funding from this state or any state agency.

Amendment No. 1 was adopted.

Amendment No. 2

Representative White offered the following amendment to **SB 562**:

Amend **SB 562** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. (a) Chapter 45, Code of Criminal Procedure, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. YOUTH DIVERSION

Art. 45.301. DEFINITIONS. In this subchapter:

(1) "Charge" means a formal or informal allegation of an offense, including a citation, written promise to appear, complaint, or pending complaint.

(2) "Child" has the meaning assigned by Article 45.058(h).

(3) "Diversion" means an intervention strategy that redirects a child from formal criminal prosecution and holds the child accountable for the child's actions. The term includes diversion under Article 45.310, 45.311, 45.313, or 45.314.

(4) "Offense" means a Class C misdemeanor other than a traffic offense.

(5) "Parent" has the meaning assigned by Article 45.057(a).

(6) "Service provider" means a governmental agency, political subdivision, open-enrollment charter school, nonprofit organization, or other entity that provides services to children or families.

(7) "Youth diversion plan" means a plan adopted under Article 45.306.

Art. 45.302. APPLICABILITY. This subchapter applies only to a child who is alleged to have engaged in conduct that constitutes a Class C misdemeanor other than a traffic offense.

Art. 45.303. TRANSFER TO JUVENILE COURT NOT AFFECTED. Nothing in this subchapter precludes:

(1) a case involving a child from being referred, adjudicated, or disposed of as conduct indicating a need for supervision under Title 3, Family Code; or

(2) a waiver of criminal jurisdiction and transfer of a child's case as provided by Section 51.08, Family Code.

Art. 45.304. DIVERSION ELIGIBILITY. (a) Except as provided by Subsection (b), a child shall be diverted from formal criminal prosecution as provided by this subchapter.

(b) A child who is 15 years of age or older at the time the child is alleged to have engaged in conduct that constitutes an offense is not eligible for diversion if the child has previously had two unsuccessful diversions under this subchapter for unrelated offenses.

Art. 45.305. DIVERSION STRATEGIES. (a) Diversion strategies include:

(1) requiring a child to participate in a program, including:

(A) a court-approved teen court program operated by a service provider;

(B) a school-related program;

(C) an educational program, including an alcohol awareness program approved by the Texas Department of Licensing and Regulation or a tobacco awareness program or a drug education program approved by the Department of State Health Services;

(D) a rehabilitation program; or

(E) a self-improvement program, including a program relating to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, or dispute resolution;

(2) referring the child to a service provider for services, including:

(A) at-risk youth services under Subchapter D, Chapter 264, Family Code;

(B) juvenile case manager services under Article 45.056;

(C) work and job skills training, including job interviewing and work preparation;

(D) academic monitoring or tutoring, including preparation for a high school equivalency examination administered under Section 7.111, Education Code;

(E) community-based services;

(F) mental health screening and clinical assessment;

(G) counseling, including private or in-school counseling; or

(H) mentoring services;

(3) requiring a child to:

(A) participate in mediation or other dispute resolution processes;

(B) submit to alcohol or drug testing; or

(C) substantially comply with a course of treatment prescribed by a physician or other licensed medical or mental health professional; and

(4) requiring a child, by court order, to:

(A) pay restitution not to exceed \$100 for an offense against property under Title 7, Penal Code;

(B) perform not more than 20 hours of community service; or

(C) perform any other reasonable action determined by the court.

(b) A diversion strategy may be imposed under:

(1) a diversion by law enforcement under Article 45.310 or 45.311;

(2) an intermediate diversion from court under Article 45.313;

(3) a diversion by a justice or judge under Article 45.314; or

(4) a system of graduated sanctions for certain school offenses under Section 37.144, Education Code.

Art. 45.306. YOUTH DIVERSION PLAN. (a) A youth diversion plan is a written plan that describes the types of strategies that will be used to implement youth diversion. A youth diversion plan does not limit the types of diversion strategies that may be imposed under a diversion agreement under Article 45.312.

(b) Each justice and municipal court shall adopt a youth diversion plan.

(c) A youth diversion plan may be devised for a county or municipality or an individual court within a county or municipality.

(d) In accordance with Chapter 791, Government Code, a local government may enter into an agreement with one or more local governments to create a regional youth diversion plan and collaborate in the implementation of this subchapter.

(e) A youth diversion plan may include an agreement with a service provider to provide services for a diversion strategy.

(f) A youth diversion plan may contain guidelines for disposition or diversion of a child's case by law enforcement under Article 45.310 or 45.311. The guidelines are not mandatory.

(g) The guidelines adopted under Subsection (f) may not allow for the disposition or diversion of a child's case under Article 45.310 or 45.311 if there is probable cause to believe that the child may be the victim of conduct that constitutes an offense under Section 20A.02, Penal Code (trafficking of persons).

(h) A current youth diversion plan must be maintained on file for public inspection in each justice and municipal court, including courts that collaborate with one or more counties or municipalities.

(i) A court or local government may adopt rules necessary to coordinate services under a youth diversion plan or to implement this subchapter.

Art. 45.307. YOUTH DIVERSION COORDINATOR. (a) A court may designate a youth diversion coordinator to assist the court in:

(1) determining whether a youth is eligible for diversion;

(2) employing a diversion strategy authorized by this subchapter;

(3) presenting and maintaining diversion agreements;

(4) monitoring diversions;

(5) maintaining records regarding whether one or more diversions were successful or unsuccessful; and

(6) coordinating referrals to court.

(b) The responsibilities of the youth diversion coordinator may be performed by:

(1) a court administrator or court clerk, or a person who regularly performs the duties of court administrator or court clerk;

(2) an individual or entity that provides juvenile case manager services under Article 45.056;

(3) a court-related services office;

(4) a community supervision and corrections department;

(5) a county or municipal employee;

(6) a community volunteer;

(7) an institution of higher learning, including a private or independent institution; or

(8) a qualified nonprofit organization.

Art. 45.308. YOUTH DIVERSION ADVISORY COUNCIL. (a) A commissioners court of a county or the governing body of a municipality may establish a youth diversion advisory council.

(b) The purpose of a youth diversion advisory council is to facilitate community input, suggest improvements to a youth diversion plan, and make recommendations to accomplish the following objectives:

(1) to provide children the option of an alternative, non-adversarial procedure to resolve certain charges while ensuring that the child's legal rights are protected;

(2) to authorize diversions from criminal prosecution under this subchapter that emphasize accountability and responsibility of the parent and the child for the child's conduct;

(3) to reduce recidivism and the occurrence of problem behaviors without criminal prosecution in justice and municipal courts;

(4) to identify at-risk youth and, where appropriate, refer at-risk youth to services under Subchapter D, Chapter 264, Family Code;

(5) to remove, where appropriate, the taint of criminality and collateral consequences of criminal convictions from children charged with certain unlawful acts;

(6) to encourage problem-solving approaches and the use of evidence-based practices in focusing on outcomes that are in the best interest of the child and the community; and

(7) to increase collaboration between governmental, educational, and nonprofit organizations in devising local and regional diversion strategies.

(c) The commissioners court of the county or governing body of the municipality appoints the members of the youth diversion advisory council. The members serve terms specified by the commissioners court or governing body without compensation.

(d) County and municipal youth diversion advisory councils may collaborate to identify best practices, share information and resources, and coordinate diversion efforts under this subchapter.

(e) One or more counties or municipalities by agreement may create a regional youth diversion advisory council.

Art. 45.309. WARNING NOTICE BY PEACE OFFICER. (a) In lieu of taking a child into custody, issuing a citation, or filing a complaint for an offense, a peace officer may issue a warning notice to the child if:

(1) guidelines for issuing a warning notice have been issued by the law enforcement agency employing the peace officer;

(2) the warning notice is authorized by the guidelines;

(3) the warning notice identifies the child and describes the child's alleged offense;

(4) a copy of the warning notice is sent to the child's parent as soon as practicable; and

(5) a copy of the warning notice is filed with a service provider, youth diversion coordinator, or other person designated in the youth diversion plan.

(b) A warning notice filed under this article is not a diversion but may be used as the basis of further action under the terms of a diversion agreement.

Art. 45.310. PEACE OFFICER DISPOSITION. (a) In lieu of issuing a citation to a child or filing a complaint in a justice or municipal court, a peace officer may dispose of a case if:

(1) guidelines for a disposition under this article have been adopted and are included in a youth diversion plan;

(2) the disposition is authorized by the guidelines; and

(3) the peace officer makes a written report of the officer's disposition to the law enforcement agency employing the officer, identifying the child and specifying the grounds for believing that the child committed an offense.

(b) A disposition under this article may not include:

(1) keeping the child in law enforcement custody; or

(2) requiring the child to report periodically to a peace officer, law enforcement agency, or other service provider.

(c) A disposition under this article may include:

(1) referral of the child to a service provider or other diversion strategy specified in a youth diversion plan;

(2) a brief conference with the child and the child's parent; or

(3) referral of the child and the child's parent for at-risk youth services under Subchapter D, Chapter 264, Family Code.

Art. 45.311. FIRST OFFENSE DIVERSION PROGRAM. (a) In this article, "program" means a first offense diversion program established under this article.

(b) As part of a youth diversion plan, a commissioners court of a county or the governing body of a municipality may establish a first offense diversion program for the referral and disposition of a case before the filing of a charge for a first offense.

(c) A county or municipality in which a program has been established shall designate one or more peace officers, law enforcement agencies, or service providers to process children in the program.

(d) In lieu of issuing a citation to a child or filing a complaint in a justice or municipal court, a peace officer who has a child in custody may refer the child to the peace officer, law enforcement agency, or service provider designated under Subsection (c) if:

(1) the child has not previously been referred to a program under this article; and

(2) the officer reports the referral in writing to the agency, identifying the child and specifying the grounds for taking the child into custody or for accusing the child of the offense.

(e) A child's parent shall be notified that the child is eligible to be referred to a first offense diversion program. The notice must:

(1) state the grounds for believing that the child has committed an offense;

(2) identify the peace officer, law enforcement agency, or service provider to which the child may be referred;

(3) briefly describe the nature of the program; and

(4) state that the child's failure to complete the program will result in the child being referred to court unless stated otherwise in a youth diversion plan.

(f) Before a child is referred to a program, the child and the child's parent must consent to the referral.

(g) A referral to a program under this article may be for a period of not more than 180 days.

(h) Diversion strategies in a program may include:

(1) voluntary restitution by the child or the child's parent to the victim of the child's conduct;

(2) voluntary community service by the child;

(3) educational or vocational training, counseling, or other rehabilitative services;

(4) referral of the child to a service provider or other diversion strategy specified in a youth diversion plan; and

(5) periodic reporting by the child to the peace officer, law enforcement agency, or service provider to which the child is referred.

(i) The case of a child who successfully completes a program is closed and may not be referred to court.

(j) The case of a child referred to a program shall be referred to a prosecutor or to court, or as specified in a youth diversion plan, if:

(1) the child fails to complete the program;

(2) the child or the child's parent terminates the child's participation in the program before the child completes the program; or

(3) the child is alleged to have committed another offense during the child's participation in the program.

(k) A statement made by a child to a person while participating in a program may not be used against the child in any subsequent court proceeding.

Art. 45.312. DIVERSION AGREEMENT. (a) A diversion agreement must identify the parties to the agreement and the responsibilities of the child and the child's parent to ensure their meaningful participation in a diversion under Article 45.313 or 45.314.

(b) Stated objectives in a diversion agreement must be measurable, realistic, and reasonable considering the circumstances of the child and the best interests of the child and the community.

(c) A diversion agreement must include:

(1) the terms of the agreement, including any diversion strategy, written in a clear and concise manner and identifying any offense or charge being diverted;

(2) possible consequences of a successful diversion and an unsuccessful diversion;

(3) an explanation that participation in a diversion is not an admission of guilt and a guilty plea is not required to participate in a diversion;

(4) an explanation of the process that will be used for reviewing and monitoring compliance with the terms of the agreement;

(5) the period of the diversion;

(6) a verification that:

(A) the child and the child's parent were notified of the child's rights, including the right to refuse diversion; and

(B) the child knowingly and voluntarily consents to participate in the diversion; and

(7) written acknowledgment and acceptance of the agreement by the child and the child's parent.

(d) The terms of an agreement may vary depending on the circumstances of the child, including the child's age and ability, the charge being diverted, the diversion program, or the diversion strategy.

(e) A charge may not be filed against a child or, if filed, shall be dismissed if the child:

(1) does not contest the charge;

(2) is eligible for diversion under Article 45.304; and

(3) accepts the terms of the agreement.

(f) Entering into a diversion agreement under this article extends the court's jurisdiction for the term of the agreement.

(g) On entering into a diversion agreement, a copy of the agreement shall be provided to the child and the child's parent, the clerk of the court, a youth diversion coordinator, and any person specified by the youth diversion plan.

Art. 45.313. INTERMEDIATE DIVERSION FROM COURT. (a) If provided by a youth diversion plan and subject to the direction of the court, a youth diversion coordinator, juvenile case manager, or other designated officer of the court shall advise the child and the child's parent before a case is filed that the case may be diverted under this article for a reasonable period not to exceed 180 days if:

(1) the child is eligible for diversion under Article 45.304;

(2) diversion is in the best interest of the child and the community;

(3) the child and the child's parent consent to diversion with the knowledge that diversion is optional; and

(4) the child and the child's parent are informed that they may terminate the diversion at any time and, if terminated, the case will be referred to court.

(b) The terms of a diversion agreement under this article must be in writing and may include any of the diversion strategies under Article 45.305.

(c) The case of a child who successfully complies with the terms of a diversion agreement under this article shall be closed and reported as successful to the court.

(d) A child who does not comply with the terms of a diversion agreement under this article shall be referred to court under Article 45.315.

(e) A statement made by a child or parent during a discussion related to a diversion under this article may not be used against a declarant in any subsequent court proceeding.

Art. 45.314. DIVERSION BY JUSTICE OR JUDGE. (a) If a charge involving a child who is eligible for diversion is filed with a court, a justice or judge shall divert the case under this article.

(b) If the child does not contest the charge, a justice or judge shall divert the case under this article without the child having to enter a plea.

(c) If the child contests the charge, a justice or judge shall divert the case under this article at the conclusion of trial on a finding of guilt without entering a judgment of conviction as provided by Article 45.041.

(d) A diversion under this article may not exceed 180 days.

(e) The terms of a diversion agreement under this article must be in writing and may include any of the diversion strategies described by Article 45.305.

(f) The case of a child who successfully complies with the terms of a diversion agreement under this article shall be closed and reported as successful to the court.

(g) A child who does not comply with the terms of a diversion agreement under this article shall be referred to court for a hearing under Article 45.315.

Art. 45.315. REFERRAL TO COURT. (a) A court shall conduct a non-adversarial hearing for a child who does not successfully complete the terms of a diversion under Article 45.311, 45.313, or 45.314 and is referred to court.

(b) The hearing is an opportunity for a justice or judge to confer with the child and the child's parent to determine whether a diversion should be declared unsuccessful by the court. The court may also hear from any person who may be of assistance to the child or the court in determining what is in the best interest of the child and the community.

(c) After the hearing, a court may enter an order:

(1) amending or setting aside terms in a diversion agreement;

(2) extending the diversion for a period not to exceed one year;

(3) issuing a continuance for the hearing for a period not to exceed 60 days to allow an opportunity for compliance with the terms of a diversion;

(4) requiring the child's parent to do or refrain from doing any act if the court determines that will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the child;

(5) finding the diversion successful on the basis of substantial compliance; or

(6) finding the diversion unsuccessful.

(d) If the court enters an order under Subsection (c)(6), the court may transfer the child to juvenile court for alleged conduct indicating a need for supervision under Section 51.08, Family Code, if the child has previously had two unsuccessful diversions.

(e) An order under Subsection (c)(4) is enforceable by contempt.

Art. 45.316. LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE.

(a) The clerk of a justice or municipal court may collect from a child's parent a \$30 administrative fee to defray the costs of the diversion of the child's case under this subchapter.

(b) The fee under this article may not be collected unless specified as a term of the diversion agreement accepted by the child's parent. If the fee is not paid after giving the child's parent an opportunity to be heard, the court shall order the parent, if financially able, to pay the fee to the clerk of the court.

(c) A court shall waive the fee if the child's parent is indigent or does not have sufficient resources or income to pay the fee.

(d) A court may adopt rules for the waiver of a fee for financial hardship under this article.

(e) The clerk of the court shall keep a record of the fees collected under this article and shall forward the funds to the county treasurer, municipal treasurer, or person fulfilling the role of a county treasurer or municipal treasurer, as appropriate.

(f) The fee collected under this article shall be deposited in a special account that can be used only to offset the cost of the operations of youth diversion programs under this subchapter.

(g) Except for the fee authorized under Subsection (a), a fee may not be assessed for a child diverted under this subchapter.

(h) The diversion of a child may not be contingent on payment of a fee under this article.

Art. 45.317. DIVERSION RECORDS. (a) A justice or municipal court shall maintain statistics for each diversion strategy authorized by this subchapter.

(b) Statistics indicating the number of warning notices under Article 45.309 and types of dispositions or diversions made by a law enforcement agency under Article 45.310 or 45.311 shall be reported at least annually to the justice or municipal court or youth diversion coordinator as specified by a youth diversion plan. Statistics shall include the age, gender, and ethnicity of the child and the offense alleged by law enforcement to have been committed by the child.

(c) Other than statistical records, all records generated under this subchapter are confidential under Article 45.0217

(d) All records of a diversion pertaining to a child under this subchapter may be expunged after the child's 17th birthday and shall, without requirement for a motion or request, be expunged before the child's 18th birthday.

(b) Article 42.15(a-1), Code of Criminal Procedure, as added by Chapter 1127 (**SB 1913**), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.13, 27.14(a), or 27.16(a), a court shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the court determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the court shall determine whether the fine and costs should be:

(1) subject to Subsection (c), required to be paid at some later date or in a specified portion at designated intervals;

(2) discharged by performing community service under~~[-as applicable,] Article 43.09(f) or [-Article] 45.049[-Article 45.0492, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (**HB 1964**), Acts of the 82nd Legislature, Regular Session, 2011];~~

(3) waived in full or in part under Article 43.091 or 45.0491; or

(4) satisfied through any combination of methods under Subdivisions (1)-(3).

(c) Article 42.15(d), Code of Criminal Procedure, is amended to read as follows:

(d) A judge may allow a defendant who is a child, as defined by Article 45.058(h), to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:

(1) performing community service or receiving tutoring under Article 45.049 ~~[45.0492, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011];~~ or

(2) paying the fine and costs in a manner described by Subsection (b).

(d) Article 44.2811, Code of Criminal Procedure, as amended by Chapters 1257 (**HB 528**), 1319 (**SB 394**), and 1407 (**SB 393**), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Art. 44.2811. RECORDS RELATING TO CERTAIN ~~[OR RECEIVING DEFERRED DISPOSITION FOR]~~ FINE-ONLY MISDEMEANORS COMMITTED BY A CHILD. All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a criminal case for a fine-only misdemeanor, other than a traffic offense, that is committed by a child and that is appealed are confidential and may not be disclosed to the public except as provided under Article 45.0217(b).
~~[(a) This article applies only to a misdemeanor offense punishable by fine only, other than a traffic offense.]~~

~~[(b) All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for an offense described by Subsection (a) are confidential and may not be disclosed to the public except as provided under Article 45.0217(b).]~~

(e) Article 45.0215(a), Code of Criminal Procedure, is amended to read as follows:

(a) Subject to the requirements of Subchapter E, this ~~[This]~~ article applies to a defendant who has not had the disabilities of minority removed and has been:

(1) charged with an offense other than an offense under Section 43.261, Penal Code, if the defendant is younger than 17 years of age; or

(2) charged with an offense under Section 43.261, Penal Code, if the defendant is younger than 18 years of age.

(f) Article 45.0217, Code of Criminal Procedure, as amended by Chapters 1257 (**HB 528**), 1319 (**SB 394**), and 1407 (**SB 393**), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO CHARGES AGAINST OR ~~[THE]~~ CONVICTION OF ~~[OR DEFERRAL OF DISPOSITION FOR]~~ A CHILD. (a) ~~[This article applies only to a misdemeanor offense punishable by fine only, other than a traffic offense.]~~

~~[(a-1)]~~ Except as provided by Article 15.27 and Subsection (b), all records and files, including those held by law enforcement, and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is charged with, is convicted of, is found not guilty of, had a charge dismissed for, or is granted deferred disposition for a fine-only misdemeanor ~~[for or who has received a dismissal after deferral of disposition for an]~~ offense other than a traffic offense ~~[described by Subsection (a)]~~ are confidential and may not be disclosed to the public.

(b) Information subject to Subsection (a) ~~[(a-1)]~~ may be open to inspection only by:

(1) judges, prosecutors, and the staff of the judges or prosecutors ~~[or court staff];~~

(2) a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;

(3) the Department of Public Safety;

(4) an attorney for a party to the proceeding;

(5) the child defendant; ~~[or]~~

(6) the defendant's parent, guardian, or managing conservator;

(7) a governmental agency if the disclosure is:

(A) required or authorized by law; or

(B) for the purpose of maintaining statistical records of recidivism and for diagnosis and classification;

(8) an individual or entity to whom the child is referred for treatment or services if the agency or institution disclosing the information has entered into a written confidentiality agreement with the individual or entity regarding the protection of the disclosed information; or

(9) with leave of the justice or municipal court, any other person having a legitimate interest in the proceeding or in the work of the court.

(g) Article 45.041(a-1), Code of Criminal Procedure, as added by Chapter 1127 (**SB 1913**), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), the justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the justice or judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:

(1) subject to Subsection (b-2), required to be paid at some later date or in a specified portion at designated intervals;

(2) discharged by performing community service under~~[-as applicable,] Article 45.049[~~, Article 45.0492, as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (HB 1964), Acts of the 82nd Legislature, Regular Session, 2011];~~~~

(3) waived in full or in part under Article 45.0491; or

(4) satisfied through any combination of methods under Subdivisions (1)-(3).

(h) Articles 45.041(b-3) and (b-5), Code of Criminal Procedure, are amended to read as follows:

(b-3) If a diversion is not required under Subchapter E or Subsection (b-5), a ~~[A]~~ judge shall ~~[may]~~ allow a defendant who is a child, as defined by Article 45.058(h), to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:

(1) performing community service or receiving tutoring under Article 45.049 ~~[45.0492, as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011];~~ or

(2) paying the fine and costs in a manner described by Subsection (b).

(b-5) If a case involving a child who is eligible for diversion under Article 45.304 results in a trial, on a finding of guilt, without entering a judgment, sentence, or conviction, the justice or judge shall order a diversion under Article 45.314 ~~[The requirement under Article 45.0492(a), as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011, that an offense occur in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense does not apply to the performance of community service or the receipt of tutoring to discharge a fine or costs under Subsection (b-3)(1)].~~

(i) Articles 45.049(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) A justice or judge may require a defendant who fails to pay a previously assessed fine or costs, ~~or~~ who is determined by the court to have insufficient resources or income to pay a fine or costs, or who is a child and assessed a fine or costs to discharge all or part of the fine or costs by performing community service. A defendant may discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed.

(b) In the justice's or judge's order requiring a defendant to perform community service under this article, the justice or judge must specify:

(1) the number of hours of community service the defendant is required to perform, not to exceed 200 hours if the defendant is a child; and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.

(j) Article 45.049(c), Code of Criminal Procedure, as amended by Chapters 977 (**HB 351**) and 1127 (**SB 1913**), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(c) The justice or judge may order the defendant to perform community service under this article:

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program;

(G) a tutoring program if the defendant is a child; or

~~(H) [(G)]~~ any similar activity; or

(2) for:

(A) a governmental entity;

(B) a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(k) Articles 45.049(d), (f), and (i), Code of Criminal Procedure, are amended to read as follows:

(d) A justice or judge may not order a defendant to perform more than 16 hours per week of community service under this article unless the justice or judge determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's dependents, or if the defendant is a child, on the defendant or the defendant's family. In this subsection, "family" has the meaning assigned by Section 71.003, Family Code.

(f) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that

accepts a defendant under this article or Subchapter E to perform community service is not liable for damages arising from an act or failure to act in connection with community service performed by a defendant under this article or Subchapter E if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(i) A community supervision and corrections department, a local juvenile probation department, or a court-related services office may provide the administrative and other services necessary for supervision of a defendant required to perform community service under this article.

(l) Article 45.051(a-1), Code of Criminal Procedure, as amended by Chapters 227 (**HB 350**) and 777 (**HB 1964**), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a-1) Notwithstanding any other provision of law, as an alternative to requiring a defendant charged with one or more offenses to make payment of all court costs as required by Subsection (a), the judge may:

(1) allow the defendant to enter into an agreement for payment of those costs in installments during the defendant's period of probation;

(2) require an eligible defendant to discharge all or part of those costs by performing community service or attending a tutoring program under Article 45.049 ~~[or 45.0492]~~; or

(3) take any combination of actions authorized by Subdivision (1) or (2).

(m) Articles 45.056(a), (b), (d), (e), and (g), Code of Criminal Procedure, are amended to read as follows:

(a) On approval of the commissioners court, city council, school district board of trustees, juvenile board, or other appropriate authority, a county court, justice court, municipal court, school district, juvenile probation department, or other appropriate governmental entity may:

(1) employ a juvenile case manager or contract for a juvenile case manager to provide services in cases involving:

(A) youth diversion under Subchapter E;

~~(B) children [juvenile offenders]~~ who are before a court consistent with the court's statutory powers; or

~~(C) children who are referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, with the consent of the juvenile and the juvenile's parents or guardians;~~

(2) employ or contract for the services of one or more juvenile case managers who:

(A) shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(B) may provide:

(i) prevention services to a child considered at risk of entering the juvenile justice system; and

(ii) youth diversion ~~[intervention]~~ services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses; or

(3) agree in accordance with Chapter 791, Government Code, with any appropriate governmental entity to jointly employ a juvenile case manager, jointly contract for juvenile case manager services, or ~~[to]~~ jointly contribute to the costs of a juvenile case manager or juvenile case manager ~~[employed by one governmental entity to provide]~~ services described by Subdivisions (1) and (2).

(b) A local entity may apply or more than one local entity may jointly apply to the criminal justice division of the governor's office for reimbursement of all or part of the costs of employing one or more juvenile case managers or contracting for juvenile case manager services from funds appropriated to the governor's office or otherwise available for purposes of youth diversion ~~[that purpose]~~. To be eligible for reimbursement, the entity applying must present to the governor's office a comprehensive plan to reduce juvenile crimes in the entity's jurisdiction and a youth diversion plan under Article 45.306 that addresses the role of the juvenile case manager in that effort.

(d) Pursuant to Article 102.0174, the court or governing body may pay:

(1) the salary and benefits of a juvenile case manager;

(2) the costs of contracting for juvenile case manager services; and

(3) the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager and juvenile case manager services from the juvenile case manager fund.

(e) A juvenile case manager ~~[employed under Subsection (e)]~~ shall give priority to cases brought under Section [Sections] 25.093 [and 25.094], Education Code, Chapter 65, Family Code, and youth diversion under Subchapter E.

(g) A [The employing] court or governmental entity under this article shall implement the rules adopted under Subsection (f).

(n) Article 45.056(c), Code of Criminal Procedure, as amended by Chapters 1213 (**SB 1419**) and 1407 (**SB 393**), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(c) An entity that jointly employs a juvenile case manager, jointly contracts for juvenile case manager services, or jointly contributes to the costs of a juvenile case manager or juvenile case manager services under Subsection (a)(3) employs a juvenile case manager for purposes of Chapter 102 of this code and Chapter 102, Government Code.

(o) The heading to Article 102.014, Code of Criminal Procedure, is amended to read as follows:

Art. 102.014. COURT COSTS FOR CHILD SAFETY FUND ~~[IN MUNICIPALITIES]~~.

(p) Articles 102.014(g) and (h), Code of Criminal Procedure, are amended to read as follows:

(g) In a municipality with a population less than 850,000 according to the most recent federal decennial census, the money collected under this article in a municipal court case must be used for a school crossing guard program if the municipality operates one. If the municipality does not operate a school crossing

guard program or if the money received from court costs from municipal court cases exceeds the amount necessary to fund the school crossing guard program, the municipality may:

- (1) deposit the additional money in an interest-bearing account;
- (2) expend the additional money for programs designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention, youth diversion, and drug and alcohol abuse prevention; or
- (3) expend the additional money for programs designed to enhance public safety and security.

(h) Money collected under this article in a justice, county, or district court shall be used to fund school crossing guard programs in the county where they are collected. If the county does not operate a school crossing guard program, the county may:

- (1) remit fee revenues to school districts in its jurisdiction for the purpose of providing school crossing guard services;
- (2) fund programs the county is authorized by law to provide which are designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention, youth diversion, and drug and alcohol abuse prevention;
- (3) provide funding to the sheriff's department for school-related activities;
- (4) provide funding to the county juvenile probation department; or
- (5) deposit the money in the general fund of the county.

(q) The heading to Article 102.015, Code of Criminal Procedure, is amended to read as follows:

Art. 102.015. COURT COSTS: YOUTH [~~TRUANCY PREVENTION AND~~] DIVERSION FUND.

(r) Articles 102.015(a), (e), (g), and (h), Code of Criminal Procedure, are amended to read as follows:

(a) The youth [~~truancy prevention and~~] diversion fund is a dedicated account in the general revenue fund.

(e) The custodian of a county treasury or municipal treasury, as applicable, shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter, except that the custodian may retain 50 percent of funds collected under this article to defray the costs of youth diversion under Subchapter E, Chapter 45 [~~for the purpose of operating or establishing a juvenile case manager program~~], if the county or municipality has a youth diversion plan under Article 45.306 [~~established or is attempting to establish a juvenile case manager program~~].

(g) The comptroller shall deposit the funds received under this article to the credit of a dedicated account in the general revenue fund to be known as the youth [~~truancy prevention and~~] diversion fund. The legislature may appropriate

money from the account only to the criminal justice division of the governor's office for distribution to local governmental entities for youth diversion [~~truancy prevention and intervention~~] services.

(h) A local governmental entity may request funds from the criminal justice division of the governor's office for providing youth diversion [~~truancy prevention and intervention~~] services. The division may award the requested funds based on the availability of appropriated funds and subject to the application procedure and eligibility requirements specified by division rule.

(s) Article 102.0171, Code of Criminal Procedure, is amended by amending Subsections (a) and (c) and adding Subsection (e) to read as follows:

(a) A defendant convicted of an offense under Section 28.08, Penal Code, in a municipal court, justice court, county court, county court at law, or district court shall pay a \$50 juvenile delinquency prevention and graffiti eradication fee as a cost of court.

(c) The clerks of the respective courts shall collect the costs and pay them to the county treasurer, municipal treasurer, or to any other official who discharges the duties commonly delegated to the county or municipal treasurer for deposit in a fund to be known as the county juvenile delinquency prevention fund or municipal juvenile delinquency prevention fund. A fund designated by this subsection may be used only to:

(1) repair damage caused by the commission of offenses under Section 28.08, Penal Code;

(2) provide educational and intervention programs and materials, including printed educational materials for distribution to primary and secondary school students, designed to prevent individuals from committing offenses under Section 28.08, Penal Code;

(3) provide to the public rewards for identifying and aiding in the apprehension and prosecution of offenders who commit offenses under Section 28.08, Penal Code;

(4) provide funding for teen recognition and teen recreation programs;

(5) provide funding for local teen court programs;

(6) provide funding for the local juvenile probation department; ~~and~~

(7) provide educational and intervention programs designed to prevent juveniles from engaging in delinquent conduct; and

(8) provide funding for youth diversion under Subchapter E, Chapter 45.

(e) The municipal juvenile delinquency prevention fund shall be administered by or under the direction of the governing body of a municipality.

(t) Articles 102.0174(b), (c), and (g), Code of Criminal Procedure, are amended to read as follows:

(b) The governing body of a municipality by ordinance may create a juvenile case manager fund and may require a defendant convicted of a fine-only misdemeanor offense in a municipal court to pay a juvenile case manager fee not to exceed \$5 as a cost of court if the municipality employs a juvenile case

manager or contracts for juvenile case manager services. A municipality that does not employ a juvenile case manager or contract for juvenile case manager services may not collect a fee under this subsection.

(c) The commissioners court of a county by order may create a juvenile case manager fund and may require a defendant convicted of a fine-only misdemeanor offense in a justice court, county court, or county court at law to pay a juvenile case manager fee not to exceed \$5 as a cost of court if the court employs a juvenile case manager or contracts for juvenile case manager services. A justice court, county court, or county court at law that does not employ a juvenile case manager or contract for juvenile case manager services may not collect a fee under this subsection.

(g) A fund created under this article [section] may be used to finance the salary and [·] benefits of a juvenile case manager employed under Article 45.056, costs of contracting for juvenile case manager services under Article 45.056, and training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager and juvenile case manager services [employed] under Article 45.056. If there is money in the fund after those costs are paid, on approval by the employing court, a juvenile case manager may direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including juvenile alcohol and substance abuse programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the court under Subchapter E, Chapter 45. The fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.

(u) Section 52.03(a), Family Code, is amended to read as follows:

(a) A law-enforcement officer authorized by this title to take a child into custody may dispose of the case of a child taken into custody [~~or accused of a Class C misdemeanor, other than a traffic offense,~~] without referral to juvenile court [~~or charging a child in a court of competent criminal jurisdiction,~~] if:

(1) guidelines for such disposition have been adopted by the juvenile board of the county in which the disposition is made as required by Section 52.032;

(2) the disposition is authorized by the guidelines; and

(3) the officer makes a written report of the officer's disposition to the law-enforcement agency, identifying the child and specifying the grounds for believing that the taking into custody [~~or accusation of criminal conduct~~] was authorized.

(v) Section 52.031(a), Family Code, is amended to read as follows:

(a) A juvenile board may establish a first offender program under this section for the referral and disposition of children taken into custody for [~~·~~or accused prior to the filing of a criminal charge, of]:

(1) conduct indicating a need for supervision; or

(2) [~~a Class C misdemeanor, other than a traffic offense,~~ or

[~~⇒~~] delinquent conduct other than conduct that constitutes:

(A) a felony of the first, second, or third degree, an aggravated controlled substance felony, or a capital felony; or

(B) a state jail felony or misdemeanor involving violence to a person or the use or possession of a firearm, location-restricted knife, or club, as those terms are defined by Section 46.01, Penal Code, or a prohibited weapon, as described by Section 46.05, Penal Code.

(w) Sections 52.031(d), (f), (i), and (j), Family Code, as amended by Chapters 1407 (**SB 393**) and 1409 (**SB 1114**), Acts of the 83rd Legislature, Regular Session, 2013, are reenacted and amended to read as follows:

(d) A law enforcement officer taking a child into custody ~~[or accusing a child of an offense described in Subsection (a)(2)]~~ may refer the child to the law enforcement officer or agency designated under Subsection (b) for disposition under the first offender program and not refer the child to juvenile court ~~[or a court of competent criminal jurisdiction]~~ only if:

(1) the child has not previously been adjudicated as having engaged in delinquent conduct;

(2) the referral complies with guidelines for disposition under Subsection (c); and

(3) the officer reports in writing the referral to the agency, identifying the child and specifying the grounds for taking the child into custody ~~[or accusing a child of an offense described in Subsection (a)(2)]~~.

(f) The parent, guardian, or other custodian of the child must receive notice that the child has been referred for disposition under the first offender program. The notice must:

(1) state the grounds for taking the child into custody ~~[or accusing a child of an offense described in Subsection (a)(2)]~~;

(2) identify the law enforcement officer or agency to which the child was referred;

(3) briefly describe the nature of the program; and

(4) state that the child's failure to complete the program will result in the child being referred to the juvenile court ~~[or a court of competent criminal jurisdiction]~~.

(i) The case of a child who successfully completes the first offender program is closed and may not be referred to juvenile court ~~[or a court of competent criminal jurisdiction]~~, unless the child is taken into custody under circumstances described by Subsection (j)(3).

(j) The case of a child referred for disposition under the first offender program shall be referred to juvenile court ~~[or a court of competent criminal jurisdiction]~~ if:

(1) the child fails to complete the program;

(2) the child or the parent, guardian, or other custodian of the child terminates the child's participation in the program before the child completes it; or

(3) the child completes the program but is taken into custody under Section 52.01 before the 90th day after the date the child completes the program for conduct other than the conduct for which the child was referred to the first offender program.

(x) Section 264.302(e), Family Code, is amended to read as follows:

(e) The department shall provide services for a child and the child's family if a contract to provide services under this section is available in the county and the child is referred to the department as an at-risk child by:

(1) a juvenile court or probation department as part of a progressive sanctions program under Chapter 59;

(2) a law enforcement officer or agency under Article 45.310 or 45.311, Code of Criminal Procedure, or Section 52.03 of this code; or

(3) a justice or municipal court under Article 45.057, 45.313, or 45.314, Code of Criminal Procedure.

(y) Section 22.1105(a), Government Code, is amended to read as follows:

(a) Each judge of a court with jurisdiction to hear a complaint against a child alleging a violation of a misdemeanor offense punishable by fine only, other than a traffic offense or public intoxication or a violation of a penal ordinance of a political subdivision other than a traffic offense, shall complete a course of instruction related to understanding relevant issues of child welfare and youth diversion ~~[the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.)]~~ every judicial academic year that ends in a 0 or a 5.

(z) Subchapter F, Chapter 102, Government Code, is amended by adding Section 102.1011 to read as follows:

Sec. 102.1011. JUVENILE DELINQUENCY PREVENTION AND GRAFFITI ERADICATION FEE ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a justice court shall collect from a defendant a juvenile delinquency prevention and graffiti eradication fee of \$50 under Article 102.0171, Code of Criminal Procedure, on conviction of an offense under Section 28.08, Penal Code.

(aa) Subchapter G, Chapter 102, Government Code, is amended by adding Section 102.1211 to read as follows:

Sec. 102.1211. JUVENILE DELINQUENCY PREVENTION AND GRAFFITI ERADICATION FEE ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect from a defendant a juvenile delinquency prevention and graffiti eradication fee of \$50 under Article 102.0171, Code of Criminal Procedure, on conviction of an offense under Section 28.08, Penal Code.

(bb) Section 103.021, Government Code, is amended to read as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Code of Criminal Procedure if ordered by the court or otherwise required:

(1) a personal bond fee (Art. 17.42, Code of Criminal Procedure) . . . the greater of \$20 or three percent of the amount of the bail fixed for the accused;

(2) cost of electronic monitoring as a condition of release on personal bond (Art. 17.43, Code of Criminal Procedure) . . . actual cost;

(3) a fee for verification of and monitoring of motor vehicle ignition interlock (Art. 17.441, Code of Criminal Procedure) . . . not to exceed \$10;

(3-a) costs associated with operating a global positioning monitoring system as a condition of release on bond (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;

(3-b) costs associated with providing a defendant's victim with an electronic receptor device as a condition of the defendant's release on bond (Art. 17.49(b)(3), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;

(4) repayment of reward paid by a crime stoppers organization on conviction of a felony (Art. 37.073, Code of Criminal Procedure) . . . amount ordered;

(5) reimbursement to general revenue fund for payments made to victim of an offense as condition of community supervision (Art. 42A.301(b)(17) [~~42A.301(17)~~], Code of Criminal Procedure) . . . not to exceed \$50 for a misdemeanor offense or \$100 for a felony offense;

(6) payment to a crime stoppers organization as condition of community supervision (Art. 42A.301(b)(20) [~~42A.301(20)~~], Code of Criminal Procedure) . . . not to exceed \$50;

(7) children's advocacy center fee (Art. 42A.455, Code of Criminal Procedure) . . . not to exceed \$50;

(8) family violence center fee (Art. 42A.504(b), Code of Criminal Procedure) . . . \$100;

(9) community supervision fee (Art. 42A.652(a), Code of Criminal Procedure) . . . not less than \$25 or more than \$60 per month;

(10) additional community supervision fee for certain offenses (Art. 42A.653(a), Code of Criminal Procedure) . . . \$5 per month;

(11) for certain financially able sex offenders as a condition of community supervision, the costs of treatment, specialized supervision, or rehabilitation (Art. 42A.452, Code of Criminal Procedure) . . . all or part of the reasonable and necessary costs of the treatment, supervision, or rehabilitation as determined by the judge;

(12) fee for failure to appear for trial in a justice or municipal court if a jury trial is not waived (Art. 45.026, Code of Criminal Procedure) . . . costs incurred for impaneling the jury;

(13) costs of certain testing, assessments, or programs during a deferral period (Art. 45.051, Code of Criminal Procedure) . . . amount ordered;

(14) special expense on dismissal of certain misdemeanor complaints (Art. 45.051, Code of Criminal Procedure) . . . not to exceed amount of fine assessed;

(15) an additional fee:

(A) for a copy of the defendant's driving record to be requested from the Department of Public Safety by the judge (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal to the sum of the fee established by Section 521.048, Transportation Code, and the state electronic Internet portal fee;

(B) as an administrative fee for requesting a driving safety course or a course under the motorcycle operator training and safety program for certain traffic offenses to cover the cost of administering the article (Art. 45.0511(f)(1), Code of Criminal Procedure) . . . not to exceed \$10; or

(C) for requesting a driving safety course or a course under the motorcycle operator training and safety program before the final disposition of the case (Art. 45.0511(f)(2), Code of Criminal Procedure) . . . not to exceed the maximum amount of the fine for the offense committed by the defendant;

(16) a request fee for teen court program (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise not to exceed \$10;

(17) a fee to cover costs of required duties of teen court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise \$10;

(18) a mileage fee for officer performing certain services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per mile;

(19) certified mailing of notice of hearing date (Art. 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

(20) certified mailing of certified copies of an order of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2, plus postage;

(20-a) a fee to defray the cost of notifying state agencies of orders of expungement (Art. 45.0216, Code of Criminal Procedure) . . . \$30 per application;

(21) sight orders:

(A) if the face amount of the check or sight order does not exceed \$10 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$10;

(B) if the face amount of the check or sight order is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$15;

(C) if the face amount of the check or sight order is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$30;

(D) if the face amount of the check or sight order is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$50; and

(E) if the face amount of the check or sight order is greater than \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$75;

(22) fees for a pretrial intervention program:

(A) a supervision fee (Art. 102.012(a), Code of Criminal Procedure) . . . \$60 a month plus expenses; and

(B) a district attorney, criminal district attorney, or county attorney administrative fee (Art. 102.0121, Code of Criminal Procedure) . . . not to exceed \$500;

(23) parking fee violations for child safety fund in municipalities with populations:

(A) greater than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

(B) less than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not to exceed \$5;

(24) an administrative fee for collection of fines, fees, restitution, or other costs (Art. 102.072, Code of Criminal Procedure) . . . not to exceed \$2 for each transaction;

(25) a collection fee, if authorized by the commissioners court of a county or the governing body of a municipality, for certain debts and accounts receivable, including unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30 percent of an amount more than 60 days past due; and

(26) a cost on conviction for the youth ~~[truaney prevention and]~~ diversion fund (Art. 102.015, Code of Criminal Procedure) . . . \$2.

(cc) Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.02102 to read as follows:

Sec. 103.02102. ADDITIONAL FEE FOR YOUTH DIVERSION: CODE OF CRIMINAL PROCEDURE. A parent of a child participating in a diversion program shall, if ordered by the court under Article 45.316, Code of Criminal Procedure, pay a fee of \$30 to defray the costs of youth diversion programs under Subchapter E, Chapter 45, Code of Criminal Procedure.

(dd) The following laws are repealed:

(1) Article 42.15(a-1), Code of Criminal Procedure, as added by Chapter 977 (**HB 351**), Acts of the 85th Legislature, Regular Session, 2017;

(2) Article 42.15(f), Code of Criminal Procedure;

(3) Article 45.041(a-1), Code of Criminal Procedure, as added by Chapter 977 (**HB 351**), Acts of the 85th Legislature, Regular Session, 2017;

(4) Article 45.0492, Code of Criminal Procedure, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011;

(5) Article 45.0492, Code of Criminal Procedure, as added by Chapter 777 (**HB 1964**), Acts of the 82nd Legislature, Regular Session, 2011; and

(6) Section 52.031(a-1), Family Code.

(ee) Not later than September 1, 2020, each justice and municipal court shall implement a youth diversion plan under Subchapter E, Chapter 45, Code of Criminal Procedure, as added by this section.

(ff) The changes in law made by this section apply only to an offense committed on or after September 1, 2020. An offense committed before September 1, 2020, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before September 1, 2020, if any element of the offense occurred before that date.

Amendment No. 2 was adopted.

SB 562, as amended, was passed by (Record 1664): 134 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zerwas; Zwiener.

Nays — Cain; Hefner; Hunter; Lang; Middleton; Patterson; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Biedermann; Klick; Nevárez.

STATEMENT OF VOTE

When Record No. 1664 was taken, I was shown voting yes. I intended to vote no.

Shaheen

SB 869 ON THIRD READING (Parker - House Sponsor)

SB 869, A bill to be entitled An Act relating to guidelines for policies of school districts and open-enrollment charter schools for the care of certain students at risk for anaphylaxis.

SB 869 was passed by (Record 1665): 138 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Ortega;

Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Middleton; Oliverson; Pacheco; Stickland; Tinderholt.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

STATEMENT OF VOTE

When Record No. 1665 was taken, I was shown voting no. I intended to vote yes.

Oliverson

SB 1564 ON THIRD READING (Klick - House Sponsor)

SB 1564, A bill to be entitled An Act relating to access to medication-assisted treatment for opioid use disorder under Medicaid.

SB 1564 was passed by (Record 1666): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

SB 1676 ON THIRD READING
(Dutton - House Sponsor)

SB 1676, A bill to be entitled An Act relating to suits affecting the parent-child relationship and the enforcement of child support.

Representative S. Thompson moved to postpone consideration of **SB 1676** until the end of the third reading calendar.

The motion prevailed.

(Speaker in the chair)

SB 1017 ON THIRD READING
(Guerra, Muñoz, Guillen, Longoria, et al. - House Sponsors)

SB 1017, A bill to be entitled An Act relating to the creation of the advisory council on postsecondary education for persons with intellectual and developmental disabilities.

Amendment No. 1

Representative Leman offered the following amendment to **SB 1017**:

Amend **SB 1017** on third reading in added Section 61.06641(a)(1), Education Code, as amended on second reading by Amendment No. 1 by Leman, by striking "with priority given to Texas residents".

A record vote was requested by Representative Stickland.

Amendment No. 1 was adopted by (Record 1667): 116 Yeas, 24 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Cyrier; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Perez; Phelan; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Ashby; Cain; Craddick; Dean; Harris; Hefner; Holland; King, K.; Lang; Middleton; Murr; Parker; Patterson; Paul; Price; Schaefer; Shaheen; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Guillen; Gutierrez; Krause; Sanford; Zedler.

STATEMENTS OF VOTE

When Record No. 1667 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 1667 was taken, my vote failed to register. I would have voted no.

Krause

SB 1017, as amended, was passed by (Record 1668): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Nevárez.

SB 241 ON THIRD READING (Longoria - House Sponsor)

SB 241, A bill to be entitled An Act relating to certain required reports received or prepared by state agencies and other governmental entities.

Amendment No. 1

Representative Smithee offered the following amendment to **SB 241**:

Amend **SB 241** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 52.335, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A participating higher educational institution is not required to provide in any disclosure or report required under this section information regarding loans issued by a private entity.

Amendment No. 1 was adopted.

SB 241, as amended, was passed by (Record 1669): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.

SB 1056 ON THIRD READING **(Raney - House Sponsor)**

SB 1056, A bill to be entitled An Act relating to the authority of physicians to delegate to certain pharmacists the implementation and modification of a patient's drug therapy.

SB 1056 was passed by (Record 1670): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; King, K.; King, P.; King, T.; Klick; Krause;

Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Kacal; Paddie; Schaefer.

SB 1995 ON THIRD READING
(Paddie - House Sponsor)

SB 1995, A bill to be entitled An Act relating to the review of certain occupational licensing rules by the office of the governor.

SB 1995 was passed by (Record 1671): 104 Yeas, 35 Nays, 1 Present, not voting.

Yeas — Allison; Ashby; Bailes; Bell, C.; Biedermann; Bohac; Bonnen; Bowers; Buckley; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Flynn; Frank; Frullo; Geren; Goldman; Guillen; Gutierrez; Harless; Harris; Hefner; Holland; Huberty; Hunter; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Lucio; Metcalf; Meyer; Middleton; Miller; Minjarez; Moody; Morrison; Murphy; Murr; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Raymond; Reynolds; Rodriguez; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; VanDeaver; White; Wilson; Wray; Wu; Zedler; Zerwas.

Nays — Anchia; Beckley; Bernal; Blanco; Bucy; Calanni; Cole; Fierro; González, J.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Israel; Lopez; Martinez Fischer; Meza; Morales; Muñoz; Neave; Nevárez; Ortega; Perez; Ramos; Romero; Rose; Rosenthal; Sherman; Talarico; Turner, J.; Vo; Walle; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Allen; Anderson; Farrar; González, M.; King, T.; Martinez.

STATEMENTS OF VOTE

When Record No. 1671 was taken, I was in the house but away from my desk. I would have voted yes.

Allen

When Record No. 1671 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 1671 was taken, my vote failed to register. I would have voted no.

Farrar

When Record No. 1671 was taken, I was shown voting no. I intended to vote yes.

Guerra

When Record No. 1671 was taken, I was shown voting yes. I intended to vote no.

Gutierrez

When Record No. 1671 was taken, I was in the house but away from my desk. I would have voted no.

Martinez

SB 1105 ON THIRD READING
(Frank and Klick - House Sponsors)

SB 1105, A bill to be entitled An Act relating to the administration and operation of Medicaid, including Medicaid managed care.

Amendment No. 1

Representative Phelan offered the following amendment to **SB 1105**:

Amend **SB 1105** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 531.02414, Government Code, is amended to read as follows:

Sec. 531.02414. NONEMERGENCY TRANSPORTATION SERVICES UNDER [ADMINISTRATION AND OPERATION OF] MEDICAL TRANSPORTATION PROGRAM.

SECTION _____. Section 531.02414(a), Government Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (3) to read as follows:

(1) "Medical transportation program" means the program that provides nonemergency transportation services ~~[to and from covered health care services, based on medical necessity,]~~ to recipients under Medicaid, subject to Subsection (a-1), the children with special health care needs program, and the transportation for indigent cancer patients program, who have no other means of transportation.

(1-a) "Nonemergency transportation service" means nonemergency medical transportation services authorized under:

(A) for a Medicaid recipient, the state Medicaid plan; and

(B) for a recipient under another program described by Subdivision (1), that program.

(3) "Transportation network company" has the meaning assigned by Section 2402.001, Occupations Code.

SECTION _____. Section 531.02414, Government Code, is amended by adding Subsections (a-1), (i), (j), (k), (l), and (m) and amending Subsections (b), (e), and (f) to read as follows:

(a-1) This section does not apply to the provision of nonemergency transportation services on or after September 1, 2020, to a Medicaid recipient who is enrolled in a managed care plan offered by a Medicaid managed care organization.

(b) Notwithstanding any other law, the commission shall directly supervise the administration and operation of the medical transportation program under this section.

(e) The executive commissioner shall adopt rules to ensure the safe and efficient provision of nonemergency transportation services under this section ~~[the medical transportation program by regional contracted brokers and subcontractors of regional contracted brokers]~~. The rules must include:

(1) minimum standards regarding the physical condition and maintenance of motor vehicles used to provide the services, including standards regarding the accessibility of motor vehicles by persons with disabilities;

(2) a requirement that a regional contracted broker verify that each motor vehicle operator providing the services or seeking to provide the services has a valid driver's license;

(3) a requirement that a regional contracted broker check the driving record information maintained by the Department of Public Safety under Subchapter C, Chapter 521, Transportation Code, of each motor vehicle operator providing the services or seeking to provide the services;

(4) a requirement that a regional contracted broker check the public criminal record information maintained by the Department of Public Safety and made available to the public through the department's Internet website of each motor vehicle operator providing the services or seeking to provide the services; and

(5) training requirements for motor vehicle operators providing the services through a regional contracted broker, including training on the following topics:

(A) passenger safety;

(B) passenger assistance;

(C) assistive devices, including wheelchair lifts, tie-down equipment, and child safety seats;

(D) sensitivity and diversity;

(E) customer service;

(F) defensive driving techniques; and

(G) prohibited behavior by motor vehicle operators.

(f) Except as provided by Subsection (j), the [The] commission shall require compliance with the rules adopted under Subsection (e) in any contract entered into with a regional contracted broker to provide nonemergency transportation services under the medical transportation program.

(i) Emergency medical services personnel and emergency medical services vehicles, as those terms are defined by Section 773.003, Health and Safety Code, may not provide nonemergency transportation services under the medical transportation program.

(j) A regional contracted broker may subcontract with a transportation network company to provide services under this section. A rule or other requirement adopted by the executive commissioner under Subsection (e) does not apply to the subcontracted transportation network company or a motor vehicle operator who is part of the company's network. The commission or the regional contracted broker may not require a motor vehicle operator who is part of the subcontracted transportation network company's network to enroll as a Medicaid provider to provide services under this section.

(k) The commission or a regional contracted broker that subcontracts with a transportation network company under Subsection (j) may require the transportation network company or a motor vehicle operator who provides services under this section to be periodically screened against the list of excluded individuals and entities maintained by the Office of Inspector General of the United States Department of Health and Human Services.

(l) Notwithstanding any other law, a motor vehicle operator who is part of the network of a transportation network company that subcontracts with a regional contracted broker under Subsection (j) and who satisfies the driver requirements in Section 2402.107, Occupations Code, is qualified to provide services under this section. The commission and the regional contracted broker may not impose any additional requirements on a motor vehicle operator who satisfies the driver requirements in Section 2402.107, Occupations Code, to provide services under this section.

(m) For purposes of this section and notwithstanding Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle operator who provides services under this section may use a wheelchair-accessible vehicle equipped with a lift or ramp that is capable of transporting passengers using a fixed-frame wheelchair in the cabin of the vehicle if the vehicle otherwise meets the requirements of Section 2402.111, Occupations Code.

SECTION _____. The heading to Section 533.00257, Government Code, is amended to read as follows:

Sec. 533.00257. DELIVERY OF MEDICAL TRANSPORTATION PROGRAM SERVICES THROUGH MANAGED TRANSPORTATION ORGANIZATION.

SECTION _____. Section 533.00257(a), Government Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Transportation network company" has the meaning assigned by Section 2402.001, Occupations Code.

SECTION _____. Section 533.00257, Government Code, is amended by amending Subsections (b), (d), and (g) and adding Subsections (k), (l), (m), and (n) to read as follows:

(b) The ~~[Subject to Subsection (i), the]~~ commission may ~~[shall]~~ provide medical transportation program services on a regional basis through a managed transportation delivery model using managed transportation organizations and providers, as appropriate, that:

- (1) operate under a capitated rate system;
- (2) assume financial responsibility under a full-risk model;
- (3) operate a call center;
- (4) use fixed routes when available and appropriate; and

(5) agree to provide data to the commission if the commission determines that the data is required to receive federal matching funds.

(d) Except as provided by Subsections (k) and (m), a ~~[A]~~ managed transportation organization that participates in the medical transportation program must attempt to contract with medical transportation providers that:

(1) are considered significant traditional providers, as defined by rule by the executive commissioner;

(2) meet the minimum quality and efficiency measures required under Subsection (g) and other requirements that may be imposed by the managed transportation organization; and

(3) agree to accept the prevailing contract rate of the managed transportation organization.

(g) Except as provided by Subsections (k) and (m), the ~~[The]~~ commission shall require that managed transportation organizations and providers participating in the medical transportation program meet minimum quality and efficiency measures as determined by the commission.

(k) A managed transportation organization may subcontract with a transportation network company to provide services under this section. A rule or other requirement adopted by the executive commissioner under this section or Section 531.02414 does not apply to the subcontracted transportation network company or a motor vehicle operator who is part of the company's network. The commission or the managed transportation organization may not require a motor vehicle operator who is part of the subcontracted transportation network company's network to enroll as a Medicaid provider to provide services under this section.

(l) The commission or a managed transportation organization that subcontracts with a transportation network company under Subsection (k) may require the transportation network company or a motor vehicle operator who

provides services under this section to be periodically screened against the list of excluded individuals and entities maintained by the Office of Inspector General of the United States Department of Health and Human Services.

(m) Notwithstanding any other law, a motor vehicle operator who is part of the network of a transportation network company that subcontracts with a managed transportation organization under Subsection (k) and who satisfies the driver requirements in Section 2402.107, Occupations Code, is qualified to provide services under this section. The commission and the managed transportation organization may not impose any additional requirements on a motor vehicle operator who satisfies the driver requirements in Section 2402.107, Occupations Code, to provide services under this section.

(n) For purposes of this section and notwithstanding Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle operator who provides services under this section may use a wheelchair-accessible vehicle equipped with a lift or ramp that is capable of transporting passengers using a fixed-frame wheelchair in the cabin of the vehicle if the vehicle otherwise meets the requirements of Section 2402.111, Occupations Code.

SECTION _____. Subchapter A, Chapter 533, Government Code, is amended by adding Sections 533.002571, 533.00258, and 533.002581 to read as follows:

Sec. 533.002571. DELIVERY OF NONEMERGENCY TRANSPORTATION SERVICES TO CERTAIN MEDICAID RECIPIENTS THROUGH MEDICAID MANAGED CARE ORGANIZATION. (a) In this section:

(1) "Nonemergency transportation service" has the meaning assigned by Section 531.02414.

(2) "Nonmedical transportation service" and "transportation network company" have the meanings assigned by Section 533.00258.

(b) The commission shall require each Medicaid managed care organization to arrange and provide nonemergency transportation services to a recipient enrolled in a managed care plan offered by the organization using the most cost-effective and cost-efficient method of delivery, including by delivering nonmedical transportation services through a transportation network company or other transportation vendor as provided by Section 533.002581, if available and medically appropriate. The commission shall supervise the provision of the services.

(c) Subject to Subsection (d), the executive commissioner shall adopt:

(1) rules applicable to the provision of nonemergency medical transportation services by a Medicaid managed care organization that impose the same standards and requirements as those adopted under Section 531.02414(e); and

(2) other rules as necessary to ensure the safe and efficient provision of nonemergency transportation services by a Medicaid managed care organization under this section.

(d) A Medicaid managed care organization may subcontract with a transportation network company to provide nonemergency transportation services under this section. A rule or other requirement adopted by the executive commissioner under Subsection (c) or Section 531.02414 does not apply to the subcontracted transportation network company or a motor vehicle operator who is part of the company's network. The commission or the Medicaid managed care organization may not require a motor vehicle operator who is part of the subcontracted transportation network company's network to enroll as a Medicaid provider to provide services under this section.

(e) The commission or a Medicaid managed care organization that subcontracts with a transportation network company under Subsection (d) may require the transportation network company or a motor vehicle operator who provides services under this section to be periodically screened against the list of excluded individuals and entities maintained by the Office of Inspector General of the United States Department of Health and Human Services.

(f) Notwithstanding any other law, a motor vehicle operator who is part of the network of a transportation network company that subcontracts with a Medicaid managed care organization under Subsection (d) and who satisfies the driver requirements in Section 2402.107, Occupations Code, is qualified to provide services under this section. The commission and the Medicaid managed care organization may not impose any additional requirements on a motor vehicle operator who satisfies the driver requirements in Section 2402.107, Occupations Code, to provide services under this section.

(g) For purposes of this section and notwithstanding Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle operator who provides services under this section may use a wheelchair-accessible vehicle equipped with a lift or ramp that is capable of transporting passengers using a fixed-frame wheelchair in the cabin of the vehicle if the vehicle otherwise meets the requirements of Section 2402.111, Occupations Code.

(h) The commission may temporarily waive the applicability of Subsection (b) to a Medicaid managed care organization as necessary based on the results of a review conducted under Section 533.007 and until enrollment of recipients in a managed care plan offered by the organization is permitted under that section.

(i) The commission shall extend a contract for the provision of nonemergency transportation services under Section 533.00257 or other law as necessary until the requirements of this section are implemented with respect to each Medicaid managed care organization. This subsection expires September 1, 2023.

Sec. 533.00258. NONMEDICAL TRANSPORTATION SERVICES UNDER MEDICAID MANAGED CARE PROGRAM. (a) In this section:

(1) "Nonmedical transportation service" means:

(A) curb-to-curb transportation to or from a medically necessary, nonemergency covered health care service in a standard passenger vehicle that is scheduled not more than 48 hours before the transportation occurs, that is provided to a recipient enrolled in a managed care plan offered by a Medicaid

managed care organization, and that the organization determines meets the level of care that is medically appropriate for the recipient, including transportation related to:

- (i) discharge of a recipient from a health care facility;
- (ii) receipt of urgent care; and
- (iii) obtaining pharmacy services and prescription drugs; and

(B) any other transportation to or from a medically necessary, nonemergency covered health care service the commission considers appropriate to be provided by a transportation vendor, as determined by commission rule or policy.

(2) "Transportation network company" has the meaning assigned by Section 2402.001, Occupations Code.

(3) "Transportation vendor" means an entity, including a transportation network company, that contracts with a Medicaid managed care organization to provide nonmedical transportation services.

(b) The executive commissioner shall adopt rules regarding the manner in which nonmedical transportation services may be arranged and provided.

(c) The rules must require a Medicaid managed care organization to create a process to:

(1) verify that a passenger is eligible to receive nonmedical transportation services;

(2) ensure that nonmedical transportation services are provided only to and from covered health care services in areas in which a transportation network company operates; and

(3) ensure the timely delivery of nonmedical transportation services to a recipient, including by setting reasonable service response goals.

(d) Before September 1, 2020, and subject to Section 533.002581(h), a rule adopted in accordance with Subsection (c)(3) may not impose a penalty on a Medicaid managed care organization that contracts with a transportation vendor under this section if the vendor is unable to provide nonmedical transportation services to a recipient after the Medicaid managed care organization has made a specific request for those services.

(e) The rules must require a transportation vendor to, before permitting a motor vehicle operator to provide nonmedical transportation services:

(1) confirm that the operator:

(A) is at least 18 years of age;

(B) maintains a valid driver's license issued by this state, another state, or the District of Columbia; and

(C) possesses proof of registration and automobile financial responsibility for each motor vehicle to be used to provide nonmedical transportation services;

(2) conduct, or cause to be conducted, a local, state, and national criminal background check for the operator that includes the use of:

(A) a commercial multistate and multijurisdiction criminal records locator or other similar commercial nationwide database; and

(B) the national sex offender public website maintained by the United States Department of Justice or a successor agency;

(3) confirm that any vehicle to be used to provide nonmedical transportation services:

(A) meets the applicable requirements of Chapter 548, Transportation Code; and

(B) except as provided by Subsection (j), has at least four doors;
and

(4) obtain and review the operator's driving record.

(f) The rules may not permit a motor vehicle operator to provide nonmedical transportation services if the operator:

(1) has been convicted in the three-year period preceding the issue date of the driving record obtained under Subsection (e)(4) of:

(A) more than three offenses classified by the Department of Public Safety as moving violations; or

(B) one or more of the following offenses:

(i) fleeing or attempting to elude a police officer under Section 545.421, Transportation Code;

(ii) reckless driving under Section 545.401, Transportation Code;

(iii) driving without a valid driver's license under Section 521.025, Transportation Code; or

(iv) driving with an invalid driver's license under Section 521.457, Transportation Code;

(2) has been convicted in the preceding seven-year period of any of the following:

(A) driving while intoxicated under Section 49.04 or 49.045, Penal Code;

(B) use of a motor vehicle to commit a felony;

(C) a felony crime involving property damage;

(D) fraud;

(E) theft;

(F) an act of violence; or

(G) an act of terrorism; or

(3) is found to be registered in the national sex offender public website maintained by the United States Department of Justice or a successor agency.

(g) The commission may not require:

(1) a motor vehicle operator to enroll as a Medicaid provider to provide nonmedical transportation services; or

(2) a Medicaid managed care organization to credential a motor vehicle operator to provide nonmedical transportation services.

(h) The commission or a Medicaid managed care organization that contracts with a transportation vendor may require the transportation vendor or a motor vehicle operator who provides services under this section to be periodically

screened against the list of excluded individuals and entities maintained by the Office of Inspector General of the United States Department of Health and Human Services.

(i) Notwithstanding any other law, a motor vehicle operator who is part of a transportation network company's network and who satisfies the driver requirements in Section 2402.107, Occupations Code, is qualified to provide nonmedical transportation services. The commission and a Medicaid managed care organization may not impose any additional requirements on a motor vehicle operator who satisfies the driver requirements in Section 2402.107, Occupations Code, to provide nonmedical transportation services.

(j) For purposes of this section and notwithstanding Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle operator who provides services under this section may use a wheelchair-accessible vehicle equipped with a lift or ramp that is capable of transporting passengers using a fixed-frame wheelchair in the cabin of the vehicle if the vehicle otherwise meets the requirements of Section 2402.111, Occupations Code.

Sec. 533.002581. DELIVERY OF NONMEDICAL TRANSPORTATION SERVICES UNDER MEDICAID MANAGED CARE PROGRAM. (a) In this section, "nonmedical transportation service" and "transportation vendor" have the meanings assigned by Section 533.00258.

(b) The commission shall designate managed care service areas in which to require, beginning not later than January 1, 2020, each Medicaid managed care organization with which the commission has a contract that is anticipated to be in effect on September 1, 2020, and that operates in a designated service area to arrange for the provision of nonmedical transportation services to recipients enrolled in a managed care plan offered by the organization. The commission shall designate at least three, but not more than four, managed care service areas for purposes of this subsection. At least one of the designated service areas must be located in an urban service area, and at least one must be located in a rural service area. This subsection expires September 1, 2021.

(c) The commission shall require each Medicaid managed care organization to arrange for the provision of nonmedical transportation services to recipients enrolled in a managed care plan offered by the organization.

(d) A Medicaid managed care organization may contract with a transportation vendor or other third party to arrange for the provision of nonmedical transportation services. If a Medicaid managed care organization contracts with a third party that is not a transportation vendor to arrange for the provision of nonmedical transportation services, the third party shall contract with a transportation vendor to deliver the nonmedical transportation services.

(e) A Medicaid managed care organization that contracts with a transportation vendor or other third party to arrange for the provision of nonmedical transportation services shall ensure the effective sharing and integration of service coordination, service authorization, and utilization management data between the managed care organization and the transportation vendor or third party.

(f) A Medicaid managed care organization may not require:

(1) a motor vehicle operator to enroll as a Medicaid provider to provide nonmedical transportation services; or

(2) the credentialing of a motor vehicle operator to provide nonmedical transportation services.

(g) For purposes of this section and notwithstanding Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle operator who provides services under this section may use a wheelchair-accessible vehicle equipped with a lift or ramp that is capable of transporting passengers using a fixed-frame wheelchair in the cabin of the vehicle if the vehicle otherwise meets the requirements of Section 2402.111, Occupations Code.

(h) The commission may waive the applicability of Subsection (c) to a Medicaid managed care organization for not more than three months as necessary based on the results of a review conducted under Section 533.007 and until enrollment of recipients in a managed care plan offered by the organization is permitted under that section.

SECTION _____. Section 533.00257(i), Government Code, is repealed.

SECTION _____. Notwithstanding Sections 533.002571(b) and 533.002581(c), Government Code, as added by this Act, the Health and Human Services Commission is not required to implement those subsections until September 1, 2020.

SECTION _____. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules as necessary to implement Sections 531.02414 and 533.00257, Government Code, as amended by this Act, and Sections 533.002571, 533.00258, and 533.002581, Government Code, as added by this Act.

Amendment No. 1 was adopted.

SB 1105, as amended, was passed by (Record 1672): 140 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Hunter; Schaefer; Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Middleton.

STATEMENT OF VOTE

When Record No. 1672 was taken, I was in the house but away from my desk. I would have voted yes.

Middleton

SB 2150 ON THIRD READING

(Thierry, Walle, and S. Thompson - House Sponsors)

SB 2150, A bill to be entitled An Act relating to the reporting of certain information on maternal mortality to the Department of State Health Services and the confidentiality of that information.

SB 2150 was passed by (Record 1673): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Farrar.

SB 1184 ON THIRD READING

(Klick - House Sponsor)

SB 1184, A bill to be entitled An Act relating to eligible participants in the Texas Achieving a Better Life Experience (ABLE) Program.

SB 1184 was passed by (Record 1674): 144 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

SB 2104 ON THIRD READING
(Miller - House Sponsor)

SB 2104, A bill to be entitled An Act relating to the creation of the Texas Veterans County Service Officer Task Force.

Amendment No. 1

Representative Miller offered the following amendment to **SB 2104**:

Amend **SB 2104** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 434.017(c), Government Code, is amended to read as follows:

(c) Money in the fund may only be appropriated to the Texas Veterans Commission. Money appropriated under this subsection shall be used to:

- (1) make grants to address veterans' needs;
- (2) make grants to provide pro bono legal services to veterans, active duty members of the United States armed forces, and members of the state military forces;
- (3) administer the fund; and

(4) [(3)] analyze and investigate data received from the federal Public Assistance Reporting Information System (PARIS) that is administered by the Administration for Children and Families of the United States Department of Health and Human Services.

SECTION _____. Section 434.0171, Government Code, is amended to read as follows:

Sec. 434.0171. STATE EMPLOYEE CONTRIBUTIONS TO FUND FOR VETERANS' ASSISTANCE. For purposes of Subchapter I, Chapter 659:

(1) the Texas Veterans Commission, for the sole purpose of managing the fund for veterans' assistance, is considered an eligible charitable organization entitled to participate in the state employee charitable campaign; and

(2) a state employee is entitled to authorize a deduction for contributions to the Texas Veterans Commission for the purposes of managing the fund for veterans' assistance as a charitable contribution under Section 659.132, and the Texas Veterans Commission may use the contributions for the purposes listed in Section 434.017(c)[, ~~as redesignated and amended by Chapter 1418 (HB 3107), Acts of the 80th Legislature, Regular Session, 2007~~].

SECTION _____. Section 434.154(a), Government Code, is amended to read as follows:

(a) The council may, by majority vote, establish the following coordinating workgroups to focus on specific issues affecting veterans, servicemembers, and their families:

- (1) health;
- (2) mental health;
- (3) employment;
- (4) higher education;
- (5) criminal justice;
- (6) housing;
- (7) transportation;
- (8) women veterans;
- (9) pro bono legal services for veterans, including opportunities and obstacles for providing those services; and
- (10) [(9)] any other coordinating workgroup considered necessary.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Harless offered the following amendment to **SB 2104**:

Amend **SB 2104** on third reading as follows:

(1) Strike SECTION 2 of the bill (page 3, line 10) and substitute the following:

SECTION 2. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2019.

(b) Section 54.241, Education Code, as amended by this Act, takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Section 54.241, Education Code, as amended by this Act, takes effect September 1, 2019.

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 54.241(g), Education Code, is amended to read as follows:

(g) If a member of the Armed Forces of the United States is stationed outside Texas, an ~~[and the member's spouse or child establishes residence in Texas by residing in Texas and by filing with the Texas institution of higher education at which the spouse or child plans to register a letter of intent to establish residence in Texas, the]~~ institution of higher education shall:

(1) permit the member's spouse or child to pay the tuition, fees, and other charges provided for Texas residents without regard to the length of time that the spouse or child has resided in Texas if the spouse or child establishes residence in Texas by residing in Texas and by filing with the Texas institution of higher education at which the spouse or child plans to register a letter of intent to establish residence in Texas; and

(2) permit the member's spouse to pay the tuition, fees, and other charges provided for Texas residents if the spouse:

(A) graduated from a public or private high school in this state or received the equivalent of a high school diploma in this state; and

(B) maintained a domicile in this state continuously for at least one year before the member was assigned to duty outside Texas.

SECTION _____. Section 54.241, Education Code, as amended by this Act, applies beginning with tuition and fees charged for the 2019 fall semester.

Amendment No. 2 was adopted.

SB 2104, as amended, was passed by (Record 1675): 142 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith;

Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Frank; Frullo.

STATEMENT OF VOTE

When Record No. 1675 was taken, my vote failed to register. I would have voted yes.

Frullo

SB 1303 ON THIRD READING

(C. Bell - House Sponsor)

SB 1303, A bill to be entitled An Act relating to maps of the actual or proposed boundaries and extraterritorial jurisdiction of a municipality and certain notices related to expanding the boundaries.

SB 1303 was passed by (Record 1676): 139 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Rodriguez; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Canales; Minjarez; Ramos; Romero; Rose; Thierry.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

STATEMENTS OF VOTE

When Record No. 1676 was taken, I was shown voting no. I intended to vote yes.

Minjarez

When Record No. 1676 was taken, I was shown voting yes. I intended to vote no.

Morales

**SB 2117 ON THIRD READING
(Bohac - House Sponsor)**

SB 2117, A bill to be entitled An Act relating to approval of school district and charter school partnerships to operate school district campuses and programs and to eligibility for state funding.

Amendment No. 1

Representative Bohac offered the following amendment to **SB 2117**:

Amend **SB 2117** on third reading by striking the amendment by Sanford, adopted on second reading, amending Chapter 39, Education Code, by adding Subchapter O.

Amendment No. 1 was adopted.

SB 2117, as amended, was passed by (Record 1677): 103 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bernal; Biedermann; Bohac; Bonnen; Bowers; Buckley; Burns; Burrows; Calanni; Canales; Capriglione; Clardy; Cole; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Fierro; Flynn; Frank; Frullo; Geren; Goldman; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Holland; Huberty; Hunter; Johnson, J.D.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Lucio; Metcalf; Meyer; Middleton; Miller; Minjarez; Morrison; Muñoz; Murphy; Murr; Nevárez; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; Toth; VanDeaver; Vo; White; Wilson; Wray; Zedler; Zerwas; Zwiener.

Nays — Allen; Anchia; Beckley; Blanco; Bucy; Coleman; Collier; Davis, Y.; Dominguez; Farrar; González, J.; González, M.; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.E.; Lopez; Martinez; Martinez Fischer; Meza; Moody; Morales; Neave; Ortega; Ramos; Reynolds; Rodriguez; Romero; Rose; Sherman; Thierry; Turner, C.; Turner, J.; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Button; Cain; Dutton; Rosenthal; Talarico.

STATEMENTS OF VOTE

When Record No. 1677 was taken, I was shown voting yes. I intended to vote no.

Bowers

When Record No. 1677 was taken, I was shown voting no. I intended to vote yes.

Bucy

When Record No. 1677 was taken, I was in the house but away from my desk. I would have voted yes.

Cain

When Record No. 1677 was taken, I was shown voting yes. I intended to vote no.

Calanni

When Record No. 1677 was taken, I was shown voting yes. I intended to vote no.

Fierro

When Record No. 1677 was taken, I was shown voting yes. I intended to vote no.

Goodwin

When Record No. 1677 was taken, I was in the house but away from my desk. I would have voted no.

Rosenthal

When Record No. 1677 was taken, my vote failed to register. I would have voted yes.

Talarico

When Record No. 1677 was taken, I was shown voting no. I intended to vote yes.

J. Turner

When Record No. 1677 was taken, I was shown voting no. I intended to vote yes.

Wu

SB 1404 ON THIRD READING
(Klick - House Sponsor)

SB 1404, A bill to be entitled An Act relating to consent to the disclosure of certain information and to other matters relating to newborn and infant screening tests.

SB 1404 was passed by (Record 1678): 144 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

SB 1504 ON THIRD READING (Thierry - House Sponsor)

SB 1504, A bill to be entitled An Act relating to the abolition of the B-On-time student loan account and the allocation of funds remaining in that account.

SB 1504 was passed by (Record 1679): 137 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky;

Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Middleton; Murr; Oliverson; Schaefer; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Calanni.

STATEMENTS OF VOTE

When Record No. 1679 was taken, I was in the house but away from my desk. I would have voted yes.

Calanni

When Record No. 1679 was taken, I was shown voting yes. I intended to vote no.

Wilson

SB 1572 ON THIRD READING (Button - House Sponsor)

SB 1572, A bill to be entitled An Act relating to municipal registration of vacant buildings in certain municipalities.

SB 1572 - POINT OF ORDER

Representative Cain raised a point of order against further consideration of **SB 1572** under Rule 8, Section 10(b), of the House Rules on the grounds that the bill is limited to one or more subdivisions by means of artificial devices.

(Speaker pro tempore in the chair)

The point of order was withdrawn.

Representative Button moved to postpone consideration of **SB 1572** until the end of the third reading calendar.

The motion prevailed.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Speaker in the chair)

GENERAL STATE CALENDAR (consideration continued)

SB 372 ON THIRD READING (VanDeaver - House Sponsor)

SB 372, A bill to be entitled An Act relating to the authority of an open-enrollment charter school to employ security personnel, commission peace officers, and have school resource officers.

Amendment No. 1

Representative Sanford offered the following amendment to **SB 372**:

Amend **SB 372** on third reading by striking the added SECTIONS of the amendment by Sanford, adopted on second reading, as follows:

(1) the SECTION amending Sections 37.0811(c), (d), and (e), Education Code;

(2) the SECTION amending Sections 37.0813(c), (d), and (e), Education Code;

(3) the SECTION amending Sections 51.220(d), (e), and (f), Education Code; and

(4) the SECTION adding transition language regarding amended Sections 37.0811(c), (d), and (e), 37.0813(c), (d), and (e), and 51.220(d), (e), and (f), Education Code.

Amendment No. 1 was adopted.

SB 372, as amended, was passed by (Record 1680): 121 Yeas, 20 Nays, 1 Present, not voting.

Yeas — Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cole; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Johnson, J.D.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Middleton; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Romero; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Allen; Bowers; Calanni; Collier; Davis, Y.; Dominguez; González, J.; González, M.; Israel; Johnson, J.E.; Lopez; Martinez Fischer; Meza; Minjarez; Morales; Ramos; Reynolds; Rose; Thierry; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Blanco; Coleman; Rodriguez; White.

STATEMENTS OF VOTE

When Record No. 1680 was taken, I was shown voting yes. I intended to vote no.

Muñoz

When Record No. 1680 was taken, my vote failed to register. I would have voted no.

Rodriguez

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

SB 8 ON THIRD READING

(Larson - House Sponsor)

SB 8, A bill to be entitled An Act relating to state and regional flood planning.

SB 8 was read third time on May 17, postponed until May 20, and was again postponed until 9 a.m. today.

Representative Larson moved to postpone consideration of **SB 8** until 5 p.m. today.

The motion prevailed.

SB 1676 ON THIRD READING

(Dutton - House Sponsor)

SB 1676, A bill to be entitled An Act relating to suits affecting the parent-child relationship and the enforcement of child support.

SB 1676 was read third time earlier today and was postponed until this time.

Representative Dutton moved to postpone consideration of **SB 1676** until 5:30 p.m. today.

The motion prevailed.

SB 1572 ON THIRD READING

(Button - House Sponsor)

SB 1572, A bill to be entitled An Act relating to municipal registration of vacant buildings in certain municipalities.

SB 1572 was read third time earlier today and was postponed until this time.

Representative Button moved to postpone consideration of **SB 1572** until 5:25 p.m. today.

The motion prevailed.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 35).

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Guillen moved to set a congratulatory and memorial calendar for 10 a.m. Friday, May 24.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Resolutions Calendars, upon adjournment today, 3W.15, for a formal meeting, to consider a calendar.

HB 1442 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Paddie called up with senate amendments for consideration at this time,

HB 1442, A bill to be entitled An Act relating to the continuation and functions of the Office of Consumer Credit Commissioner and the licensing and registration of persons regulated by that state agency.

Representative Paddie moved to concur in the senate amendments to **HB 1442**.

The motion to concur in the senate amendments to **HB 1442** prevailed by (Record 1681): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.

Senate Committee Substitute

CSHB 1442, A bill to be entitled An Act relating to the continuation and functions of the Office of Consumer Credit Commissioner, the licensing and registration of persons regulated by that state agency, and certain consumer financial transactions regulated by that state agency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.305(a), Finance Code, is amended to read as follows:

(a) The ~~[finance commission shall instruct the]~~ consumer credit commissioner shall ~~[to]~~ establish a program to address alternatives to high-cost lending in this state. The program shall:

(1) study and report on ~~[the problem of]~~ high-cost lending, including ~~[without limitation]~~ the availability, quality, and prices of financial services~~;~~ ~~[including lending and depository services,]~~ offered in this state to ~~[agricultural businesses, small businesses, and]~~ individual consumers in this state; and

(2) evaluate alternatives to high-cost lending and the practices of business entities in this state that provide financial services to ~~[agricultural businesses, small businesses, and]~~ individual consumers in this state~~;~~

~~[(3) develop models to provide lower cost alternatives to assist borrowers who contract for high cost loans; and~~

~~[(4) track the location of lenders who enter into loan contracts providing for an interest charge authorized by Section 342.201, map the location of the lenders by senatorial district and by any other appropriate areas, provide other demographic information relating to the loans and the location of the lenders, and provide information on the changes in the distribution of the lenders from 1997 through the date of the report].~~

SECTION 2. Section 14.059(b), Finance Code, is amended to read as follows:

(b) The program must require intra-agency posting of all nonentry level positions concurrently with any ~~[for at least 10 days before]~~ public posting.

SECTION 3. Section 14.062, Finance Code, is amended to read as follows:

Sec. 14.062. CONSUMER INFORMATION AND COMPLAINTS. (a) The office shall maintain a system to promptly and efficiently act on complaints ~~[file on each written complaint]~~ filed with the office. The office shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition ~~[The file must include:~~

~~[(1) the name of the person who filed the complaint;~~

~~[(2) the date the complaint is received by the office;~~

~~[(3) the subject matter of the complaint;~~

~~[(4) the name of each person contacted in relation to the complaint;~~

~~[(5) a summary of the results of the review or investigation of the complaint; and~~

~~[(6) an explanation of the reason the file was closed, if the office closed the file without taking action other than to investigate the complaint].~~

(b) The office shall make information available describing its procedures for [provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the office's policies and procedures relating to] complaint investigation and resolution.

(c) The office~~[-, at least quarterly until final disposition of the complaint,]~~ shall periodically notify the complaint parties [person filing the complaint and each person who is a subject of the complaint] of the status of the complaint until final disposition [investigation unless the notice would jeopardize an undercover investigation].

SECTION 4. Section 14.066, Finance Code, is amended to read as follows:

Sec. 14.066. SUNSET PROVISION. The office is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished September 1, 2031 ~~[2019]~~.

SECTION 5. Section 14.107(b), Finance Code, is amended to read as follows:

(b) The finance commission by rule shall set the fees for licensing and examination, as applicable, under Chapter 393 with respect to a credit access business or Chapter 342, 347, 348, 351, 353, or 371 at amounts or rates necessary to recover the costs of administering those chapters. The rules may provide that the amount of a fee charged to a license holder is based on the volume of the license holder's regulated business and other key factors. The commissioner may provide for collection of a single ~~[annual]~~ fee for the term of the license from a person licensed under Subchapter G of Chapter 393 or Chapter 342, 347, 348, 351, or 371. The fee must [to] include amounts due for both licensing and examination.

SECTION 6. Subchapter C, Chapter 14, Finance Code, is amended by adding Sections 14.110, 14.111, and 14.112 to read as follows:

Sec. 14.110. ALTERNATIVE RULEMAKING AND DISPUTE RESOLUTION. (a) The finance commission by rule shall develop a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of rules by the finance commission applicable to the office; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the office's jurisdiction.

(b) The procedures applicable to the office relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The office shall:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

Sec. 14.111. ADVISORY COMMITTEES. (a) The commissioner may appoint advisory committees to assist the office and commissioner in performing their duties.

(b) The commissioner shall specify each committee's purpose, powers, and duties and shall require each committee to report to the commissioner or office in the manner specified by the commissioner concerning the committee's activities and the results of its work.

Sec. 14.112. LICENSING AND REGISTRATION TERMS. (a) The finance commission by rule shall prescribe the licensing or registration period for licenses and registrations issued under Chapters 342, 345, 347, 348, 351, 352, 353, 371, 393, and 394 of this code and Chapter 1956, Occupations Code, not to exceed two years.

(b) In adopting rules under Subsection (a), the finance commission shall set terms for licenses that comply with Chapter 180 and the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (Pub. L. No. 110-289).

(c) If the finance commission prescribes the term of a license or registration under Subsection (a) for a period other than one year, the commissioner shall prorate the applicable fee required under a chapter specified in Subsection (a) as necessary to reflect the term of the license or registration.

SECTION 7. Section 14.201, Finance Code, is amended to read as follows:

Sec. 14.201. INVESTIGATION AND ENFORCEMENT AUTHORITY.

Investigative and enforcement authority under this subchapter applies only to:

- (1) this chapter;
- (2) [:] Subtitles B and C, ~~of~~ Title 4;
- (3) [:] Chapter 393 with respect to a credit access business;
- (4) ~~[and]~~ Chapter 394; and
- (5) Subchapter B, Chapter 1956, Occupations Code.

SECTION 8. Section 14.2015, Finance Code, is amended to read as follows:

Sec. 14.2015. CONFIDENTIALITY OF CERTAIN INFORMATION. (a) Except as provided by Subsection (b), information or material obtained or compiled by the commissioner in relation to an examination or investigation by the commissioner or the commissioner's representative of a license holder, registrant, applicant, or other person under Subtitle B or C, Title 4, Subchapter G of Chapter 393, or Chapter 394 of this code or Subchapter B, Chapter 1956, Occupations Code, is confidential and may not be disclosed by the commissioner or an officer or employee of the office ~~[Office of Consumer Credit Commissioner]~~, including:

(1) information obtained from a license holder, registrant, applicant, or other person examined or investigated under Subtitle B or C, Title 4, Subchapter G of Chapter 393, or Chapter 394 of this code or Subchapter B, Chapter 1956, Occupations Code;

(2) work performed by the commissioner or the commissioner's representative on information obtained from a license holder, registrant, applicant, or other person for the purposes of an examination or investigation

conducted under Subtitle B or C, Title 4, Chapter 393 with respect to a credit access business, or Chapter 394 of this code or Subchapter B, Chapter 1956, Occupations Code;

(3) a report on an examination or investigation of a license holder, registrant, applicant, or other person conducted under Subtitle B or C, Title 4, Chapter 393 with respect to a credit access business, or Chapter 394 of this code or Subchapter B, Chapter 1956, Occupations Code; and

(4) any written communications between the license holder, registrant, applicant, or other person, as applicable, and the commissioner or the commissioner's representative relating to or referencing an examination or investigation conducted under Subtitle B or C, Title 4, Chapter 393 with respect to a credit access business, or Chapter 394 of this code or Subchapter B, Chapter 1956, Occupations Code.

(b) The commissioner or the commissioner's representative may disclose the confidential information or material described by Subsection (a):

(1) to a department, agency, or instrumentality of this state or the United States if the commissioner considers disclosure to be necessary or proper to the enforcement of the laws of this state or the United States and in the best interest of the public;

(2) if the information was previously provided to or provided by the license holder, registrant, applicant, or other person, and the person consents to the release of the information or has published the information contained in the release; ~~or~~

(3) if the commissioner determines that release of the information is required for an administrative hearing; or

(4) to provide a summary of investigation information to the person who filed the complaint with the office.

SECTION 9. Section 14.202, Finance Code, is amended to read as follows:

Sec. 14.202. REQUEST FOR INFORMATION; INVESTIGATION AUTHORITY ~~[FAILURE TO COMPLY]~~. ~~[(a)]~~ On receipt of a written complaint or other reasonable cause to believe that a person is violating a statute listed by Section 14.201, the commissioner may:

(1) require the person to furnish information regarding a specific loan, retail transaction, or business practice to which the violation relates; ~~and~~ ~~[-]~~

(2) ~~[(b) If a person fails to furnish the information requested by the commissioner, the commissioner may]~~ conduct an investigation to determine whether a violation exists.

SECTION 10. Sections 14.208(a) and (b), Finance Code, are amended to read as follows:

(a) If the commissioner has reasonable cause to believe that a person is violating a statute to which this chapter applies, the commissioner, in addition to any other authorized action, may issue an order to cease and desist from the violation or an order to take affirmative action, or both, to enforce compliance. ~~[A person may appeal the order to the finance commission as provided by Subsection (d) or directly to district court in accordance with Chapter 2001, Government Code.]~~

(b) If a person against whom an order under this section is made requests a hearing not later than the 30th day after the date the order is served, the commissioner shall set and give notice of a hearing before a hearings officer. ~~[The hearing is governed by]~~ Chapter 2001, Government Code, governs the hearing and the right to judicial review in district court. Based on the findings of fact, conclusions of law, and recommendations of the hearings officer, the commissioner by order may find whether a violation has occurred.

SECTION 11. Section 14.251(b), Finance Code, is amended to read as follows:

(b) The commissioner may order the following businesses or other persons ~~[a person who violates or causes a violation of this chapter, Chapter 394, or Subtitle B, Title 4, or a rule adopted under this chapter, Chapter 394, or Subtitle B, Title 4, or a credit access business who violates or causes a violation of Chapter 393 or a rule adopted under Chapter 393;]~~ to pay ~~[make]~~ restitution to an identifiable person:

(1) a person who violates or causes a violation of this chapter, Chapter 394, or Subtitle B, Title 4, or a rule adopted under this chapter, Chapter 394, or Subtitle B, Title 4;

(2) a credit access business who violates or causes a violation of Chapter 393 or a rule adopted under Chapter 393; or

(3) a person who violates or causes a violation of Subchapter B, Chapter 1956, Occupations Code, or a rule adopted under that subchapter [injured by the violation].

SECTION 12. Section 14.256, Finance Code, is amended to read as follows:

Sec. 14.256. ACCEPTANCE OF PENALTY; DEFAULT. If a person accepts the determination and recommended penalty of the commissioner or fails to make a timely written request for a hearing, the commissioner by order shall approve the determination and impose the recommended penalty.

SECTION 13. Section 14.257(a), Finance Code, is amended to read as follows:

(a) If a person makes a timely written request for ~~[requests]~~ a hearing ~~[or fails to give a timely response to the notice],~~ the commissioner shall set a hearing and give notice of the hearing to the person by certified mail.

SECTION 14. Section 342.005, Finance Code, is amended to read as follows:

Sec. 342.005. APPLICABILITY OF CHAPTER. Except as provided by Sections 302.001(d) and 342.004(c), a loan is subject to this chapter if the loan:

(1) provides for interest in excess of 10 percent a year;

(2) is extended primarily for personal, family, or household use to a person who is located in this state at the time the loan is made;

(3) is made by a person engaged in the business of making, arranging, or negotiating those types of loans; and

(4) either:

(A) is not secured by a lien on real property; or

(B) is described by Section 342.001(4), 342.301, or 342.456 and is predominantly payable in monthly installments.

SECTION 15. Section 342.0515(c), Finance Code, is amended to read as follows:

(c) Subject to Section 14.112, the ~~[The]~~ finance commission shall adopt rules establishing procedures for issuing, renewing, and enforcing an individual license under this section. In adopting rules under this subsection, the finance commission shall ensure that:

(1) the minimum eligibility requirements for issuance of an individual license are the same as the requirements of Section 180.055;

(2) the minimum eligibility requirements for renewal of an individual license are the same as the requirements of Section 180.059; and

(3) the applicant pays:

(A) an investigation fee in a reasonable amount determined by the commissioner; and

(B) a ~~[an annual]~~ license fee in an amount determined as provided by Section 14.107.

SECTION 16. The heading to Section 342.053, Finance Code, is amended to read as follows:

Sec. 342.053. AREA OF BUSINESS; LOANS BY MAIL OR ONLINE.

SECTION 17. Section 342.053(b), Finance Code, is amended to read as follows:

(b) A lender may make, negotiate, arrange, and collect loans by mail or online from a licensed office.

SECTION 18. Section 342.101(c), Finance Code, is amended to read as follows:

(c) On the filing of each license application, the applicant shall pay to the commissioner ~~[for the license's year of issuance]~~ a license fee in an amount determined as provided by Section 14.107.

SECTION 19. Section 342.102(c), Finance Code, is amended to read as follows:

(c) The bond must be conditioned on:

(1) the license holder's faithful performance under this chapter and rules adopted under this chapter; and

(2) the payment of all amounts that become due to the state or another person under this chapter during the period ~~[calendar year]~~ for which the bond is given.

SECTION 20. Subchapter C, Chapter 342, Finance Code, is amended by adding Section 342.106 to read as follows:

Sec. 342.106. LICENSE TERM. A license issued under this chapter is valid for the period prescribed by finance commission rule adopted under Section 14.112.

SECTION 21. Section 342.154, Finance Code, is amended to read as follows:

Sec. 342.154. ~~[ANNUAL]~~ LICENSE FEE. Not later than 30 days before the date the license expires ~~[December 1]~~, a license holder shall pay to the commissioner for each license held a ~~[an annual]~~ fee ~~[for the year beginning the next January 1,]~~ in an amount determined as provided by Section 14.107.

SECTION 22. Section 342.155, Finance Code, is amended to read as follows:

Sec. 342.155. EXPIRATION OF LICENSE ON FAILURE TO PAY ~~[ANNUAL]~~ FEE. If the ~~[annual]~~ fee for a license is not paid before the 16th day after the date on which the written notice of delinquency of payment has been given to the license holder, the license expires on ~~[the later of:~~

~~[(1) that day; or~~

~~[(2) December 31 of the last year for which an annual fee was paid].~~

SECTION 23. Subchapter D, Chapter 342, Finance Code, is amended by adding Section 342.1555 to read as follows:

Sec. 342.1555. GROUNDS FOR REFUSING RENEWAL. The commissioner may refuse to renew the license of a person who fails to comply with an order issued by the commissioner to enforce this chapter.

SECTION 24. Section 342.156, Finance Code, is amended to read as follows:

Sec. 342.156. LICENSE SUSPENSION OR REVOCATION. After notice and opportunity for a hearing, the commissioner may suspend or revoke a license if the commissioner finds that:

(1) the license holder failed to pay the ~~[annual]~~ license fee, an examination fee, an investigation fee, or another charge imposed by the commissioner under this chapter;

(2) the license holder, knowingly or without the exercise of due care, violated this chapter or a rule adopted or order issued under this chapter;

(3) a fact or condition exists that, if it had existed or had been known to exist at the time of the original application for the license, clearly would have justified the commissioner's denial of the application; or

(4) the license holder has failed to ensure that an individual acting as a residential mortgage loan originator, as defined by Section 180.002, in the making, transacting, or negotiating of a loan subject to this chapter is licensed under this chapter in accordance with Section 342.0515.

SECTION 25. Section 343.002, Finance Code, is amended to read as follows:

Sec. 343.002. APPLICABILITY. (a) This chapter applies to a loan under this chapter that is extended to a person who is located in this state at the time the loan is made.

(b) This chapter does not apply to:

(1) a reverse mortgage; or

(2) an open-end account, as defined by Section 301.002.

SECTION 26. Section 345.007, Finance Code, is amended by adding Subsection (d) to read as follows:

(d) This chapter applies to a retail installment transaction extended to a person who is located in this state at the time the transaction is entered into.

SECTION 27. Section 345.157(d), Finance Code, is amended to read as follows:

(d) The holder shall remit 50 cents of each delinquency charge in excess of \$10 collected under this section to the comptroller, in the time and manner established by the comptroller, for deposit to the credit of an account in the general revenue fund. One-half of the money in the account may be appropriated only to finance research conducted by the commissioner ~~[finance commission]~~ under Section 11.305 and the other one-half of the money in the account may be appropriated only to finance educational activities and counseling services under Section 394.001.

SECTION 28. Section 345.351, Finance Code, is amended to read as follows:

Sec. 345.351. REGISTRATION OF HOLDER. (a) A holder who is not an authorized lender under Chapter 342 or a credit union shall:

(1) register with the Office of Consumer Credit Commissioner; and

(2) pay a ~~[an annual]~~ fee of \$10 for each location at which a retail installment transaction is originated, serviced, or collected.

(b) Subject to Section 14.112, the ~~[The]~~ finance commission by rule may establish procedures to facilitate the registration and collection of fees under this section, ~~including rules staggering throughout the year the dates on which fees are due~~.

(c) A registration issued under this section is valid for the period prescribed by finance commission rule adopted under Section 14.112.

(d) The commissioner may refuse to renew the registration of a holder who fails to comply with an order issued by the commissioner to enforce this chapter.

SECTION 29. Section 346.004(a), Finance Code, is amended to read as follows:

(a) Unless the contract for the account provides otherwise, this chapter applies to a revolving credit account described by Section 346.003 if the loan or extension of credit is extended primarily for personal, family, or household use to a person who is located in this state at the time the loan is made or the extension of credit is entered into.

SECTION 30. Subchapter A, Chapter 347, Finance Code, is amended by adding Section 347.008 to read as follows:

Sec. 347.008. APPLICABILITY. Each credit transaction extended to a person who is located in this state at the time the transaction is entered into is subject to this chapter.

SECTION 31. Section 347.451, Finance Code, is amended by amending Subsections (a), (b), and (d) and adding Subsections (a-1) and (e) to read as follows:

(a) A creditor who is not an authorized lender under Chapter 342 or a credit union shall:

(1) register with the Office of Consumer Credit Commissioner; and

(2) pay a ~~[an annual]~~ fee of \$15 for each location at which a credit transaction is originated, serviced, or collected.

(a-1) A registration issued under this section is valid for the period prescribed by finance commission rule adopted under Section 14.112.

(b) Subject to Section 14.112, the ~~[The]~~ finance commission by rule may establish procedures to facilitate the registration and collection of fees under this section~~[, including rules staggering the due dates of the fees throughout the year].~~

(d) A creditor shall file the registration renewal and pay the ~~[annual]~~ registration fee to the commissioner not later than the 30th day after the date on which the creditor receives the notice under Subsection (c).

(e) The commissioner may refuse to renew the registration of a creditor who fails to comply with an order issued by the commissioner to enforce this chapter.

SECTION 32. Section 347.4515, Finance Code, is amended by adding Subsections (a-1) and (e) and amending Subsection (c) to read as follows:

(a-1) A license issued under this section is valid for the period prescribed by finance commission rule adopted under Section 14.112.

(c) Subject to Section 14.112, the ~~[The]~~ finance commission shall adopt rules establishing procedures for issuing, renewing, and enforcing an individual license under this section. In adopting rules under this subsection, the finance commission shall ensure that:

(1) the minimum eligibility requirements for issuance of an individual license are the same as the requirements of Section 180.055;

(2) the minimum eligibility requirements for renewal of an individual license are the same as the requirements of Section 180.059; and

(3) the applicant pays:

(A) an investigation fee in a reasonable amount determined by the commissioner; and

(B) a ~~[an annual]~~ license fee in an amount determined as provided by Section 14.107.

(e) The commissioner may refuse to renew the license of an individual described by Subsection (b) who fails to comply with an order issued by the commissioner to enforce this chapter.

SECTION 33. Section 348.007(a), Finance Code, is amended to read as follows:

(a) Except as otherwise provided by this section, each retail installment transaction extended to a person who is located in this state at the time the transaction is entered into is subject to this chapter.

SECTION 34. Section 348.5015(c), Finance Code, is amended to read as follows:

(c) Subject to Section 14.112, the ~~[The]~~ finance commission shall adopt rules establishing procedures for applying for issuing, renewing, and enforcing a license under this section. In adopting rules under this subsection, the finance commission shall ensure that:

(1) the minimum eligibility requirements for issuance of a license are the same as the requirements of Section 180.055;

(2) the minimum eligibility requirements for renewal of a license are the same as the requirements of Section 180.059; and

(3) the applicant pays:

(A) an investigation fee in a reasonable amount determined by the commissioner; and

(B) a ~~[an annual]~~ license fee in an amount determined as provided by Section 14.107.

SECTION 35. Section 348.502(b), Finance Code, is amended to read as follows:

(b) On the filing of a license application, the applicant shall pay to the commissioner:

(1) an investigation fee not to exceed \$200; and

(2) ~~[for the license's year of issuance]~~ a license fee in an amount determined as provided by Section 14.107.

SECTION 36. Subchapter F, Chapter 348, Finance Code, is amended by adding Section 348.5055 to read as follows:

Sec. 348.5055. LICENSE TERM. A license issued under this chapter is valid for the period prescribed by finance commission rule adopted under Section 14.112.

SECTION 37. Section 348.506, Finance Code, is amended to read as follows:

Sec. 348.506. ~~[ANNUAL]~~ LICENSE FEE. Not later than the 30th day before the date the license expires [December 1], a license holder shall pay to the commissioner for each license held a ~~[an annual]~~ fee ~~[for the year beginning the next January 1]~~, in an amount determined as provided by Section 14.107.

SECTION 38. Subchapter F, Chapter 348, Finance Code, is amended by adding Section 348.5065 to read as follows:

Sec. 348.5065. GROUNDS FOR REFUSAL TO RENEW. The commissioner may refuse to renew the license of a person who fails to comply with an order issued by the commissioner to enforce this chapter.

SECTION 39. Section 348.507, Finance Code, is amended to read as follows:

Sec. 348.507. EXPIRATION OF LICENSE ON FAILURE TO PAY ~~[ANNUAL]~~ FEE. If the ~~[annual]~~ fee for a license is not paid before the 16th day after the date on which the written notice of delinquency of payment has been given to the license holder, the license expires on ~~[the later of:~~

~~[(1)] that day;~~ or

~~[(2) December 31 of the last year for which an annual fee was paid].~~

SECTION 40. Section 348.508, Finance Code, is amended to read as follows:

Sec. 348.508. LICENSE SUSPENSION OR REVOCATION. After notice and opportunity for a hearing, the commissioner may suspend or revoke a license if the commissioner finds that:

(1) the license holder failed to pay the ~~[annual]~~ license fee, an examination fee, an investigation fee, or another charge imposed by the commissioner;

(2) the license holder, knowingly or without the exercise of due care, violated this chapter or a rule adopted or order issued under this chapter; or

(3) a fact or condition exists that, if it had existed or had been known to exist at the time of the original application for the license, clearly would have justified the commissioner's denial of the application.

SECTION 41. Section 349.301, Finance Code, is amended to read as follows:

Sec. 349.301. PAYMENT OF FEES. A person who registers or obtains or renews a license under this title after the date on which the person was required to register or to obtain or renew the license may limit the person's liability as provided by this subchapter by paying to the commissioner:

(1) all prior registration or license fees that the person should have paid under this title ~~[for prior years]~~; and

(2) except as provided by Section 349.302(a), a late filing fee as provided by this subchapter.

SECTION 42. Subchapter A, Chapter 351, Finance Code, is amended by adding Section 351.012 to read as follows:

Sec. 351.012. APPLICABILITY OF CHAPTER. This chapter applies to a property tax loan that is extended to a person for payment of property taxes on real property located in this state.

SECTION 43. Section 351.0515(c), Finance Code, is amended to read as follows:

(c) Subject to Section 14.112, the ~~[The]~~ finance commission shall adopt rules establishing procedures for issuing, renewing, and enforcing an individual license under this section. In adopting rules under this subsection, the finance commission shall ensure that:

(1) the minimum eligibility requirements for issuance of an individual license are the same as the requirements of Section 180.055;

(2) the minimum eligibility requirements for renewal of an individual license are the same as the requirements of Section 180.059; and

(3) the applicant pays:

(A) an investigation fee in a reasonable amount determined by the commissioner; and

(B) a ~~[an annual]~~ license fee in an amount determined as provided by Section 14.107.

SECTION 44. The heading to Section 351.053, Finance Code, is amended to read as follows:

Sec. 351.053. AREA OF BUSINESS; PROPERTY TAX LOANS BY MAIL OR ONLINE.

SECTION 45. Section 351.053(b), Finance Code, is amended to read as follows:

(b) A property tax lender may make, negotiate, arrange, and collect property tax loans by mail or online from a licensed office.

SECTION 46. Section ~~351.101~~(c), Finance Code, is amended to read as follows:

(c) On the filing of each license application, the applicant shall pay to the commissioner ~~[for the license's year of issuance]~~ a license fee in an amount determined as provided by Section 14.107.

SECTION 47. Section 351.102(c), Finance Code, is amended to read as follows:

(c) The bond must be conditioned on:

(1) the license holder's faithful performance under this chapter and rules adopted under this chapter; and

(2) the payment of all amounts that become due to the state or another person under this chapter during the period ~~[calendar year]~~ for which the bond is given.

SECTION 48. Subchapter C, Chapter 351, Finance Code, is amended by adding Section 351.106 to read as follows:

Sec. 351.106. LICENSE TERM. A license issued under this chapter is valid for the period prescribed by finance commission rule adopted under Section 14.112.

SECTION 49. Subchapter D, Chapter 351, Finance Code, is amended by adding Section 351.1535 to read as follows:

Sec. 351.1535. GROUNDS FOR REFUSAL TO RENEW. The commissioner may refuse to renew the license of a person who fails to comply with an order issued by the commissioner to enforce this chapter.

SECTION 50. Section 351.154, Finance Code, is amended to read as follows:

Sec. 351.154. ~~[ANNUAL]~~ LICENSE FEE. Not later than the 30th day before the date the license expires ~~[December 1]~~, a license holder shall pay to the commissioner for each license held a ~~[an annual]~~ fee ~~[for the year beginning the next January 1,]~~ in an amount determined as provided by Section 14.107.

SECTION 51. Section 351.155, Finance Code, is amended to read as follows:

Sec. 351.155. EXPIRATION OF LICENSE ON FAILURE TO PAY ~~[ANNUAL]~~ FEE. If the ~~[annual]~~ fee for a license is not paid before the 16th day after the date on which the written notice of delinquency of payment has been given to the license holder, the license expires on ~~[the later of:~~

~~[(1)] that day[-or~~

~~[(2) December 31 of the last year for which an annual fee was paid].~~

SECTION 52. Section 351.156, Finance Code, is amended to read as follows:

Sec. 351.156. LICENSE SUSPENSION OR REVOCATION. After notice and opportunity for a hearing, the commissioner may suspend or revoke a license if the commissioner finds that:

(1) the license holder failed to pay the ~~[annual]~~ license fee, an examination fee, an investigation fee, or another charge imposed by the commissioner under this chapter;

(2) the license holder, knowingly or without the exercise of due care, violated this chapter or Section 32.06 or 32.065, Tax Code, or a rule adopted or an order issued under this chapter or Section 32.06 or 32.065, Tax Code;

(3) a fact or condition exists that, if it had existed or had been known to exist at the time of the original application for the license, clearly would have justified the commissioner's denial of the application; or

(4) the license holder has failed to ensure that an individual acting as a residential mortgage loan originator, as defined by Section 180.002, in the making, transacting, or negotiating of a property tax loan for a principal dwelling is licensed under this chapter in accordance with Section 351.0515.

SECTION 53. Section 352.003, Finance Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1), (c-1), and (f) to read as follows:

(a) To register as a facilitator, a person must provide to the commissioner ~~on or before December 31 preceding each calendar year in which the person seeks to act as a facilitator~~:

(1) a list of each location in this state at which e-file providers authorized by the Internal Revenue Service file tax returns on behalf of borrowers for whom the facilitator acts to allow the making of a refund anticipation loan; and

(2) a processing fee for each location included on the list furnished under Subdivision (1).

(a-1) A registration issued under this section is valid for the period prescribed by finance commission rule adopted under Section 14.112.

(c) The finance commission by rule shall establish a deadline for the submission of the information and fee required by Subsection (a) for initial issuance and renewal of registrations under this section.

(c-1) After the applicable ~~December 31~~ deadline for initial or renewal registrations, a facilitator may amend the registration required under Subsection (a) to reflect any change in the information provided by the registration.

(f) The commissioner may refuse to renew the registration of a person who fails to comply with an order issued by the commissioner to enforce this chapter.

SECTION 54. Section 352.006(b), Finance Code, is amended to read as follows:

(b) If the commissioner proposes to revoke a registration, the facilitator is entitled to notice and an opportunity for a hearing before the commissioner or a hearings officer, who shall propose a decision to the commissioner. The commissioner or hearings officer shall prescribe the time and place of the hearing if the facilitator makes a written request for a hearing not later than the 20th day after the date the facilitator receives the notice of the proposed revocation. The hearing is governed by Chapter 2001, Government Code.

SECTION 55. Chapter 352, Finance Code, is amended by adding Section 352.009 to read as follows:

Sec. 352.009. APPLICABILITY OF CHAPTER. This chapter applies to a refund anticipation loan that is extended to a person who is located in this state at the time the loan is made.

SECTION 56. Section 353.502(b), Finance Code, is amended to read as follows:

(b) On the filing of a license application, the applicant shall pay to the commissioner:

(1) an investigation fee not to exceed \$200; and

(2) ~~[for the license's year of issuance,]~~ a license fee in an amount determined as provided by Section 14.107.

SECTION 57. Subchapter F, Chapter 353, Finance Code, is amended by adding Section 353.5055 to read as follows:

Sec. 353.5055. LICENSE TERM. A license issued under this chapter is valid for the period prescribed by finance commission rule adopted under Section 14.112.

SECTION 58. Section 353.506, Finance Code, is amended to read as follows:

Sec. 353.506. ~~[ANNUAL]~~ LICENSE FEE. Not later than the 30th day before the date the license expires ~~[December 1]~~, a license holder shall pay to the commissioner for each license held a ~~[an annual]~~ fee ~~[for the year beginning the next January 1,]~~ in an amount determined as provided by Section 14.107.

SECTION 59. Subchapter F, Chapter 353, Finance Code, is amended by adding Section 353.5065 to read as follows:

Sec. 353.5065. GROUNDS FOR REFUSAL OF RENEWAL. The commissioner may refuse to renew the license of a person who fails to comply with an order issued by the commissioner to enforce this chapter.

SECTION 60. Section 353.507, Finance Code, is amended to read as follows:

Sec. 353.507. EXPIRATION OF LICENSE ON FAILURE TO PAY ~~[ANNUAL]~~ FEE. If the ~~[annual]~~ fee for a license is not paid before the 16th day after the date on which the written notice of delinquency of payment has been given to the license holder, the license expires on ~~[the later of:~~

~~[(1)] that day; or~~

~~[(2) December 31 of the last year for which an annual fee was paid].~~

SECTION 61. Section 353.508, Finance Code, is amended to read as follows:

Sec. 353.508. LICENSE SUSPENSION OR REVOCATION. After notice and opportunity for a hearing, the commissioner may suspend or revoke a license if the commissioner finds that:

(1) the license holder failed to pay the ~~[annual]~~ license fee, an investigation fee, or another charge imposed by the commissioner;

(2) the license holder, knowingly or without the exercise of due care, violated this chapter or a rule adopted or order issued under this chapter; or

(3) a fact or condition exists that, if it had existed or had been known to exist at the time of the original application for the license, clearly would have justified the commissioner's denial of the application.

SECTION 62. Section 354.005(d), Finance Code, is amended to read as follows:

(d) The commissioner may deny approval of a form only if the form excludes the language required by Sections 354.003 and 354.004 or contains any inconsistent or misleading provisions. All form denials, after an opportunity for a hearing under Chapter 2001, Government Code, may be appealed to a district court in accordance with that chapter ~~[the finance commission].~~

SECTION 63. Section 371.002, Finance Code, is amended to read as follows:

Sec. 371.002. PURPOSES. The purposes of this chapter are to:

- (1) prevent fraud, unfair practices, discrimination, imposition, and abuse of state residents;
- (2) exercise the state's police power to ensure a sound system of making pawn loans and transfers of personal property by and through pawnshops;
- (3) prevent transactions in stolen property and other unlawful property transactions by licensing and regulating pawnbrokers ~~[and pawnshop employees]~~;
- (4) provide for licensing and investigation fees;
- (5) provide minimum capital requirements for pawnbrokers;
- (6) ensure financial responsibility to the state and its residents and compliance with federal, state, and local law, including rules and ordinances; and
- (7) assist local governments in the exercise of their police power.

SECTION 64. Section 371.003(8), Finance Code, is amended to read as follows:

(8) "Pawn transaction" means the pledging, by a person present in this state at the time of the transaction, with a pawnbroker of a single item of goods as security for a loan of money.

SECTION 65. Section 371.052(a), Finance Code, is amended to read as follows:

(a) To be eligible for a pawnshop license, an applicant must:

(1) ~~[be of good moral character;~~

~~[(2)]~~ meet the net assets requirement of Section 371.072; and

(2) ~~[(2)]~~ show that:

(A) the pawnshop will be operated lawfully and fairly under this chapter; and

(B) the applicant or the applicant's owners and managers have the financial responsibility, experience, character, and general fitness to command the confidence of the public in the pawnshop's operations.

SECTION 66. Section 371.055, Finance Code, is amended to read as follows:

Sec. 371.055. FEES; PROOF OF INSURANCE. An applicant must submit with the application:

(1) an investigation fee of:

(A) \$500 if the applicant does not hold a license; or

(B) \$250 if the application:

(i) is for an additional license for a separate location; or

(ii) involves substantially identical principals and owners of a licensed pawnshop at a separate location;

(2) a ~~[an annual]~~ fee in an amount determined as provided by Section 14.107; and

(3) proof of general liability and fire insurance in a reasonable amount and form required by the commissioner.

SECTION 67. Section 371.062, Finance Code, is amended to read as follows:

Sec. 371.062. DISPOSITION OF FEES ON DENIAL OF APPLICATION. If the commissioner denies the application, the commissioner shall retain the investigation fee and shall return to the applicant the ~~[annual]~~ license fee submitted with the application.

SECTION 68. Subchapter B, Chapter 371, Finance Code, is amended by adding Section 371.0625 to read as follows:

Sec. 371.0625. LICENSE TERM. A license issued under this subchapter is valid for the period prescribed by finance commission rule adopted under Section 14.112.

SECTION 69. Section 371.064, Finance Code, is amended to read as follows:

Sec. 371.064. ~~[ANNUAL]~~ LICENSE FEE; EXPIRATION. (a) Not later than the 30th day before the date the license expires ~~[December 1]~~, a pawnbroker shall pay to the commissioner for each license held a ~~[an annual]~~ fee in an amount determined as provided by Section 14.107 ~~[for the year beginning the next January 1]~~.

(b) If the ~~[annual]~~ fee for a license is not paid before the 16th day after the date on which written notice of delinquency of payment has been given to the pawnbroker by the commissioner, the license expires on ~~[the later of:~~

~~[(1)] that day[or~~

~~[(2) December 31 of the last year for which an annual fee was paid].~~

SECTION 70. Subchapter B, Chapter 371, Finance Code, is amended by adding Section 371.0645 to read as follows:

Sec. 371.0645. GROUNDS FOR REFUSAL TO RENEW. The commissioner may refuse to renew the license of a person who fails to comply with an order issued by the commissioner to enforce this chapter.

SECTION 71. Subchapter B, Chapter 371, Finance Code, is amended by adding Section 371.074 to read as follows:

Sec. 371.074. PAWNBROKER RESPONSIBLE FOR EMPLOYEES AND AGENTS. A license holder under this subchapter is responsible for all acts of the license holder's officers, directors, employees, and agents acting on behalf of the pawnshop.

SECTION 72. The heading to Subchapter C, Chapter 371, Finance Code, is amended to read as follows:

SUBCHAPTER C. PAWNSHOP EMPLOYEE LICENSE PROGRAM

SECTION 73. Section 371.101, Finance Code, is amended to read as follows:

Sec. 371.101. PAWNSHOP EMPLOYEE LICENSE PROGRAM [REQUIRED]. (a) A pawnbroker may, but is not required to, participate in the pawnshop employee license program by notifying the commissioner in writing on a form prescribed by the commissioner.

(a-1) A pawnbroker may submit a written notification to participate in the pawnshop employee license program under Subsection (a):

(1) at the time of the pawnbroker's original license application;

- (2) at the time of a renewal of the pawnbroker's license; or
- (3) at another time prescribed by the commissioner.

(a-2) A pawnbroker may notify the commissioner in writing of the pawnbroker's intention to no longer participate in the pawnshop employee license program at any time notification is permitted under Subsection (a-1). On receipt by the commissioner of a pawnbroker's notification under this subsection, the pawnbroker will no longer be a part of the pawnshop employee license program unless the pawnbroker resubmits a new notification for participation under Subsection (a-1).

(b) An individual who begins employment at a pawnshop for a pawnbroker that participates in the pawnshop employee license program under Subsection (a), as a condition of employment, must apply to the commissioner for a pawnshop employee license not later than the 75th day after the date employment begins.

[(b)] The individual may continue employment until the license is issued or denied.

(c) If a pawnbroker participates in the pawnshop employee license program under Subsection (a), the participating [A] pawnbroker may not employ an individual to write a pawn transaction, buy or sell merchandise, or supervise another employee who writes pawn transactions or buys or sells merchandise unless the individual:

(1) has complied with Subsection (b) [(b)] but has not been issued or denied a license; or

(2) holds a pawnshop employee license.

(d) Subsection (c) does not apply to an individual who:

(1) has an ownership interest in the pawnshop license; and

(2) is named on the application.

(e) Subject to Section 14.112, the Finance Commission of Texas shall adopt rules to administer the pawnshop employee license program.

SECTION 74. Section 371.102(a), Finance Code, is amended to read as follows:

(a) To be eligible for a pawnshop employee license, an individual must:

(1) be of [good moral character and] good business repute; [and]

(2) possess the character and general fitness necessary to warrant belief that the individual will operate the business lawfully and fairly under this chapter; and

(3) be employed by a pawnbroker that participates in the pawnshop employee license program under Section 371.101.

SECTION 75. Section 371.103(b), Finance Code, is amended to read as follows:

(b) The application must be accompanied by an investigation and annual fee in an amount determined as provided by Section 14.107 [of §25].

SECTION 76. Section 371.105, Finance Code, is amended to read as follows:

Sec. 371.105. LICENSE TERM. A pawnshop employee license is valid for the period prescribed by finance commission rule adopted under Section 14.112 ~~[effective until the license expires or is surrendered, suspended, or revoked].~~

SECTION 77. Section 371.106, Finance Code, is amended to read as follows:

Sec. 371.106. ~~[ANNUAL]~~ LICENSE FEE; EXPIRATION. (a) Not later than the 30th day before the date the license expires ~~[December 1]~~, a pawnshop employee license holder shall pay to the commissioner a ~~[an annual]~~ fee in an amount determined as provided by Section 14.107 ~~[of \$15 for the year beginning the next January 1]~~.

(b) The commissioner shall send written notice of delinquency to a license holder who does not pay the fee on or before the 30th day before the date the license expires ~~[December 1]~~.

(c) If the ~~[annual]~~ fee for a license is not paid before the 16th day after the date of the delinquency notice, the license expires on ~~[the later of:]~~

~~[(1)] that day;~~ ~~or~~

~~[(2) January 1 of the first year for which the annual fee was not paid].~~

(d) A pawnshop employee license expires on the 30th day after the last day of employment if the license holder:

(1) ceases to be employed by a pawnbroker that participates in the pawnshop employee license program under Section 371.101; and

(2) is not employed within that time by another pawnbroker that participates in the pawnshop employee license program.

SECTION 78. Subchapter C, Chapter 371, Finance Code, is amended by adding Section 371.107 to read as follows:

Sec. 371.107. GROUND FOR REFUSAL TO RENEW. The commissioner may refuse to renew the pawnshop employee license of a person who fails to comply with an order issued by the commissioner to enforce this chapter.

SECTION 79. Section 371.251(a), Finance Code, is amended to read as follows:

(a) After notice and opportunity for a hearing, the commissioner may revoke or suspend a pawnshop license if the commissioner finds that:

(1) the pawnbroker has not paid a fee or charge imposed by the commissioner under this chapter;

(2) the pawnbroker, knowingly or without exercising due care to prevent the violation, has violated this chapter or a rule adopted or an order issued under this chapter;

(3) a fact or condition exists that, if it had existed or had been known to exist at the time of the original license application, clearly would have justified refusal to issue the license;

(4) the pawnbroker has established an association with an unlicensed person who, with the knowledge of the pawnbroker, has violated this chapter;

(5) the pawnbroker has aided or conspired with a person to circumvent this chapter;

(6) the pawnbroker or a legal or beneficial owner of the pawnbroker [~~is not of good moral character or~~] has been convicted of a crime that the commissioner finds directly relates to the duties and responsibilities of the occupation of pawnbroker or would otherwise make the person unfit for a pawnshop license under Section 371.052;

(7) the financial responsibility, experience, character, or general fitness of the pawnbroker or its owners and managers do not command the confidence of the public or warrant the belief that the business will be operated lawfully, fairly, and within the purposes of this chapter; or

(8) the pawnbroker has not maintained the minimum net assets required by Section 371.072.

SECTION 80. Section 371.255, Finance Code, is amended to read as follows:

Sec. 371.255. REVOCATION OR SUSPENSION OF PAWNSHOP EMPLOYEE LICENSE. After notice and hearing, the commissioner may revoke or suspend a pawnshop employee license if the commissioner finds that:

(1) the license holder knowingly or recklessly violated this chapter or a rule adopted or order issued under this chapter;

(2) a fact or condition exists that, if it had existed or had been known to exist at the time of the original license application, clearly would have justified refusal to issue the license; or

(3) the [~~moral character,~~] business repute[~~r~~] and general fitness of the license holder do not warrant belief that the license holder will operate the business lawfully and fairly within the provisions of this chapter.

SECTION 81. Section 371.258(c), Finance Code, is amended to read as follows:

(c) The commissioner shall reinstate an expired pawnbroker license if, not later than the 180th day after the date on which the license expired, the pawnbroker pays the commissioner the delinquent \$125 [~~annual~~] fee plus a reinstatement fee of \$1,000. After a pawnbroker's license has expired, the commissioner shall promptly send notice of reinstatement rights to the delinquent pawnbroker by certified mail.

SECTION 82. Section 393.602(a), Finance Code, is amended to read as follows:

(a) This subchapter applies only to a credit services organization that, with respect to a consumer who is located in this state at the time of the transaction, obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of:

(1) a deferred presentment transaction; or

(2) a motor vehicle title loan.

SECTION 83. Section 393.604(c), Finance Code, is amended to read as follows:

(c) On the filing of each license application, the applicant shall pay to the commissioner [~~for the license's year of issuance~~] a license fee in an amount determined as provided by Section 14.107.

SECTION 84. Section 393.605(c), Finance Code, is amended to read as follows:

(c) The bond must be conditioned on:

(1) the license holder's faithful performance under this subchapter and rules adopted under this subchapter; and

(2) the payment of all amounts that become due to this state or another person under this subchapter during the period ~~[calendar year]~~ for which the bond is given.

SECTION 85. Subchapter G, Chapter 393, Finance Code, is amended by adding Sections 393.6085 and 393.6115 to read as follows:

Sec. 393.6085. LICENSE TERM. A license issued under this chapter is valid for the period prescribed by finance commission rule adopted under Section 14.112.

Sec. 393.6115. GROUNDS FOR REFUSAL TO RENEW. The commissioner may refuse to renew the license of a credit access business who fails to comply with an order issued by the commissioner to enforce this chapter.

SECTION 86. Section 393.612, Finance Code, is amended to read as follows:

Sec. 393.612. ~~[ANNUAL]~~ LICENSE FEE. Not later than the 30th day before the date the license expires ~~[December 1]~~, a license holder shall pay to the commissioner for each license held a ~~[an annual]~~ fee ~~[for the year beginning the next January 1,]~~ in an amount determined as provided by Section 14.107.

SECTION 87. Section 393.613, Finance Code, is amended to read as follows:

Sec. 393.613. EXPIRATION OF LICENSE ON FAILURE TO PAY ~~[ANNUAL]~~ FEE. If the ~~[annual]~~ fee for a license is not paid before the 16th day after the date on which the written notice of delinquency of payment has been given to the license holder, the license expires on ~~[the later of:~~

~~[(1)] that day;~~ or

~~[(2) December 31 of the last year for which an annual fee was paid].~~

SECTION 88. Section 393.614(a), Finance Code, is amended to read as follows:

(a) After notice and opportunity for a hearing, the commissioner may suspend or revoke a license if the commissioner finds that:

(1) the license holder failed to pay the ~~[annual]~~ license fee, an examination fee, an investigation fee, or another charge imposed by the commissioner under this subchapter;

(2) the license holder, knowingly or without the exercise of due care, violated this chapter or a rule adopted or order issued under this chapter; or

(3) a fact or condition exists that, if it had existed or had been known to exist at the time of the original application for the license, clearly would have justified the commissioner's denial of the application.

SECTION 89. Section 394.204, Finance Code, is amended by amending Subsections (b), (f), (g), and (k) and adding Subsection (j-1) to read as follows:

(b) A registration issued under this section is valid for the period prescribed by finance commission rule adopted under Section 14.112 ~~[Registration expires on December 31 of the year in which the registration occurs and must be renewed annually].~~

(f) Subject to Subsection (j-1), a ~~[A]~~ person may renew a registration by paying the appropriate fee and completing all required documents.

(g) Subject to Section 14.112, the ~~[The]~~ finance commission by rule may establish procedures to facilitate the registration and collection of fees under this section~~[, including rules staggering throughout the year the dates on which fees are due].~~

(j-1) The commissioner may refuse to renew the registration of a person who fails to comply with an order issued by the commissioner to enforce this chapter.

(k) In addition to the power to refuse an initial application as specified in this section, the commissioner may suspend or revoke a provider's registration after notice and opportunity for a hearing if the commissioner finds that any of the following conditions are met:

(1) a fact or condition exists that, if it had existed when the provider applied for registration, would have been grounds for denying registration;

(2) a fact or condition exists that the commissioner was not aware of when the provider applied for registration and would have been grounds for denying registration;

(3) the provider violates this subchapter or rule or order of the commissioner under this subchapter;

(4) the provider is insolvent;

(5) the provider refuses to permit the commissioner to make an examination authorized by this subchapter;

(6) the provider fails to respond within a reasonable time and in an appropriate manner to communications from the commissioner;

(7) the provider has received money from or on behalf of a consumer for disbursement to a creditor under a debt management plan that provides for regular periodic payments to creditors in full repayment of the principal amount of the debts and the provider has failed to disburse money to the creditor on behalf of the consumer within a reasonable time, normally 30 days;

(8) the commissioner determines that the provider's trust account is not materially in balance with and reconciled to the consumer's account; or

(9) the provider fails to warrant the belief that the business will be operated lawfully and fairly and within the provisions and purposes of this subchapter.

SECTION 90. Section 394.205(b), Finance Code, is amended to read as follows:

(b) Each provider shall file a report with the commissioner at each renewal of the provider's registration. The report must at a minimum disclose in detail and under appropriate headings:

(1) the assets and liabilities of the provider at the beginning and end of the period, if the provider is a nonprofit or tax exempt organization;

(2) the total number of debt management plans the provider has initiated on behalf of consumers in this state during that period [year]; and

(3) records of total and average fees charged to consumers, including all voluntary contributions received from consumers.

SECTION 91. Section 394.214(e), Finance Code, is amended to read as follows:

(e) The commissioner may enforce this subchapter and rules adopted under this subchapter by:

(1) ordering the violator to cease and desist from the violation and any similar violations;

(2) ordering the violator to take affirmative action to correct the violation, including the restitution of money or property to a person aggrieved by the violation;

(3) imposing an administrative penalty not to exceed \$1,000 for each violation as provided by Subchapter F, Chapter 14; or

(4) rejecting an initial application, refusing to renew a registration, or revoking or suspending a registration as provided by Section 394.204.

SECTION 92. Section 1956.0612, Occupations Code, is amended by amending Subsections (b) and (d) and adding Subsections (b-1), (d-1), and (h) to read as follows:

(b) To register as a dealer, a person must provide to the commissioner~~[, on or before December 31 preceding each calendar year in which the person seeks to act as a dealer]~~:

(1) a list of each location in this state at which the person will conduct business as a dealer; and

(2) a processing fee for each location included on the list furnished under Subdivision (1).

(b-1) A registration issued under this section is valid for the period prescribed by commission rule adopted under Section 14.112, Finance Code.

(d) The commission by rule shall establish a deadline for the submission of the information and fee required by Subsection (b) for initial issuance and renewal of registrations under this section.

(d-1) After the applicable [December 31] deadline for initial or renewal registrations, a dealer may amend the registration required under Subsection (a) to reflect any change in the information provided by the registration.

(h) The commissioner may refuse to renew the registration of a person who fails to comply with an order issued by the commissioner to enforce this chapter.

SECTION 93. Section 1956.0614(a), Occupations Code, is amended to read as follows:

(a) The commissioner may revoke the registration of a dealer if the commissioner concludes that the dealer has violated this chapter or an order issued by the commissioner to enforce this chapter. The commissioner shall recite the basis of the decision in an order revoking the registration.

SECTION 94. Section 1956.063, Occupations Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) For each transaction regulated by this subchapter, the dealer shall submit a report on a preprinted and prenumbered form prescribed by the commissioner or in the manner described by Subsection (c-1). The form must include the following:

- (1) the date of the transaction;
- (2) a description of the crafted precious metal purchased by the dealer;
- (3) the name and physical address of the dealer; and
- (4) the name, physical description, and physical address of the seller or transferor.

(c-1) A dealer may submit a list required by Section 1956.062(b) to satisfy the reporting requirement under this section if the list contains the information described by Subsection (c).

SECTION 95. The following provisions of the Finance Code are repealed:

- (1) Section 14.208(d);
- (2) Section 371.052(b); and
- (3) Sections 371.304(b), (c), and (d).

SECTION 96. Section 14.112, Finance Code, as added by this Act, applies only to a license or registration issued or renewed on or after September 1, 2019. A license or registration issued or renewed before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 97. A license issued under Section 371.104, Finance Code, before the effective date of this Act continues in effect until June 30, 2020. The license may be renewed under Subchapter C, Chapter 371, Finance Code, as amended by this Act.

SECTION 98. The changes in law made by this Act do not affect the validity of a disciplinary action or other proceeding that was initiated before the effective date of this Act and that is pending before a court or other governmental entity on that date.

SECTION 99. The changes in law made by this Act to Section 371.304, Finance Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 100. (a) Not later than November 1, 2019, the Finance Commission of Texas shall adopt rules to implement the pawnshop employee license program under Section 371.101, Finance Code, as amended by this Act.

(b) Not later than December 1, 2019, the Office of Consumer Credit Commissioner shall be prepared to accept applications for licenses under the pawnshop employee license program described by Section 371.101, Finance Code, as amended by this Act.

SECTION 101. This Act takes effect September 1, 2019.

**HB 684 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Clardy called up with senate amendments for consideration at this time,

HB 684, A bill to be entitled An Act relating to the development of a seizure action plan for certain students enrolled in public schools and training for certain school personnel regarding seizure disorders.

Representative Clardy moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 684**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 684**: Clardy, chair; Dutton, M. González, Meyer, and VanDeaver.

**HB 1065 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Ashby called up with senate amendments for consideration at this time,

HB 1065, A bill to be entitled An Act relating to the establishment of a rural resident physician grant program.

Representative Ashby moved to concur in the senate amendments to **HB 1065**.

The motion to concur in the senate amendments to **HB 1065** prevailed by (Record 1682): 133 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Cain; Hefner; Krause; Lang; Middleton; Patterson; Stickland; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Klick.

STATEMENT OF VOTE

When Record No. 1682 was taken, I was shown voting yes. I intended to vote no.

Shaheen

Senate Committee Substitute

CSHB 1065, A bill to be entitled An Act relating to the establishment of a rural resident physician grant program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 58A, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. RURAL RESIDENT PHYSICIAN GRANT PROGRAM

Sec. 58A.081. RURAL RESIDENT PHYSICIAN GRANT PROGRAM.

(a) The board shall administer the Rural Resident Physician Grant Program as a competitive grant program to encourage the creation of new graduate medical education positions in rural and nonmetropolitan areas, with particular emphasis on the creation of rural training tracks. The board shall award grants to new or expanded physician residency programs at teaching hospitals and other appropriate health care entities according to the program criteria established under this section.

(b) The board shall establish criteria for the grant program in consultation with one or more physicians, including a physician who practices in a rural area of this state, teaching hospitals, medical schools, and independent physician residency programs, and with other persons considered appropriate by the board. The program criteria must take into account whether a rural or nonmetropolitan area has the resources sufficient to support a physician residency program in a manner that would satisfy applicable residency program accreditation requirements.

(c) The board may provide grants only to support a physician residency program:

(1) that provides the level of medical care that is most needed in a rural or nonmetropolitan area; and

(2) until the program becomes eligible for federal grant funding.

(d) Grant funds awarded under this section may be used only to pay direct costs associated with creating or maintaining a residency position, including the salary of the resident physician.

(e) Each grant application must:

(1) specify the number of residency positions expected to be created or maintained with the grant money;

(2) specify the grant amount requested for each year;
(3) include documentation of infrastructure and staffing to satisfy applicable residency program accreditation requirements;

(4) include documentation that the residency program will set a primary goal of producing physicians who are prepared for practice in a rural area; and

(5) include evidence of support for residency training by sponsoring institutions and the community.

(f) The board shall award grants for all residency positions awarded a grant under this section in the preceding year before awarding a grant for a residency position that did not receive a grant in the preceding year, provided that the applicable grant recipient from the preceding year complies with all conditions of the grant as described by Subsection (g) and satisfies the grant eligibility requirements.

(g) The board shall monitor physician residency programs receiving grants as necessary to ensure compliance with the grant program and shall require the return of any unused grant money by, or shall decline to award additional grants to, a residency program that receives a grant but fails to:

(1) create and fill, within a reasonable period, the number of residency positions proposed in the program's grant application; or

(2) satisfy any other conditions of the grant imposed by the board.

(h) The board shall use money forfeited under Subsection (g) to award grants to other eligible applicants. With respect to the physician residency program forfeiting the grant, the board may restore grant money or award additional grants, as applicable, to the program as soon as practicable after the program satisfies all conditions of the grant.

(i) The board shall adopt rules for the administration of the grant program. The rules must include:

(1) administrative provisions governing:

(A) eligibility criteria for grant applicants;

(B) grant application procedures;

(C) guidelines relating to grant amounts;

(D) guidelines relating to the number of grants to be awarded each year, subject to available funds;

(E) procedures for evaluating grant applications;

(F) procedures for monitoring the use of grants; and

(G) reporting requirements for grant recipients;

(2) methods for tracking the effectiveness of grants; and

(3) any conditions relating to the receipt and use of a grant as considered appropriate by the board.

SECTION 2. (a) As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules for the implementation and administration of the grant program established under Subchapter E, Chapter 58A, Education Code, as added by this Act. The board may adopt the initial rules in the manner provided by law for emergency rules.

(b) Not later than October 1, 2019, the Texas Higher Education Coordinating Board shall establish the grant program required by Subchapter E, Chapter 58A, Education Code, as added by this Act, and shall begin to award grants under that program not later than January 1, 2020.

SECTION 3. The Texas Higher Education Coordinating Board is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the coordinating board may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

HB 2119 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Cortez called up with senate amendments for consideration at this time,

HB 2119, A bill to be entitled An Act relating to the application for and loans from the Texas military value revolving loan account.

Representative Cortez moved to concur in the senate amendments to **HB 2119**.

The motion to concur in the senate amendments to **HB 2119** prevailed by (Record 1683): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithe; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Walle.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2119** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill, amending Section 436.054, Government Code (page 1, line 22), strike "Subsection (c)" and substitute "Subsections (c), (d), and (e)".

(2) In SECTION 1 of the bill, in amended Section 436.054(b), Government Code (page 1, line 26), strike "Subsection (c)," and substitute "this section.".

(3) In SECTION 1 of the bill, in amended Section 436.054, Government Code (page 1, between lines 33 and 34), insert the following:

(d) A meeting described by Subsection (c) is subject to the notice requirements applicable to other meetings. The notice of the meeting must specify as the location of the meeting the location where meetings of the commission are usually held.

(e) Each part of a meeting described by Subsection (c) that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting and the audio shall be recorded. The audio recording shall be made available to the public.

**HB 440 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Murphy called up with senate amendments for consideration at this time,

HB 440, A bill to be entitled An Act relating to general obligation bonds issued by political subdivisions.

Representative Murphy moved to concur in the senate amendments to **HB 440**.

The motion to concur in the senate amendments to **HB 440** prevailed by (Record 1684): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith;

Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Anchia.

STATEMENT OF VOTE

When Record No. 1684 was taken, my vote failed to register. I would have voted yes.

Anchia

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 440** (senate committee printing) in SECTION 3 of the bill by striking added Section 1253.002(b), Government Code (page 2, lines 10-17), and substituting the following:

(b) Notwithstanding any other provision of law, a political subdivision may not issue general obligation bonds to purchase, improve, or construct one or more improvements to real property, to purchase one or more items of personal property, or to do both, if the weighted average maturity of the issue of bonds exceeds 120 percent of the reasonably expected weighted average economic life of the improvements and personal property financed with the issue of bonds.

HB 3655 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative C. Turner called up with senate amendments for consideration at this time,

HB 3655, A bill to be entitled An Act relating to the administration and operation of the state's programs for paying, prepaying, or saving toward the costs of attending an institution of higher education, including the powers and duties of the Prepaid Higher Education Tuition Board.

Representative C. Turner moved to concur in the senate amendments to **HB 3655**.

The motion to concur in the senate amendments to **HB 3655** prevailed by (Record 1685): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lope;

Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3655** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 54.633, Education Code, is amended by adding Subsection (n) to read as follows:

(n) If the comptroller determines that the purpose of a direct-support organization established under Subsection (e) has been substantially complied with, the comptroller may dissolve the organization. On dissolution, the title to all funds and properties then owned by the organization shall transfer to the Texas Match the Promise Foundation.

HB 1767 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Murphy called up with senate amendments for consideration at this time,

HB 1767, A bill to be entitled An Act relating to the consideration of employee compensation and benefits in establishing the rates of gas utilities.

Representative Murphy moved to concur in the senate amendments to **HB 1767**.

The motion to concur in the senate amendments to **HB 1767** prevailed by (Record 1686): 138 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price;

Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Beckley; Bucy; Ramos; Schaefer; Smithee; Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Noble.

STATEMENT OF VOTE

When Record No. 1686 was taken, I was shown voting no. I intended to vote yes.

Bucy

Senate Committee Substitute

CSHB 1767, A bill to be entitled An Act relating to the consideration of employee compensation and benefits in establishing the rates of gas utilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 104, Utilities Code, is amended by adding Section 104.060 to read as follows:

Sec. 104.060. CONSIDERATION OF COMPENSATION AND BENEFIT EXPENSES. (a) In this section, "employee compensation and benefits" includes base salaries, wages, incentive compensation, and benefits. The term does not include:

(1) pension or other postemployment benefits; and
(2) incentive compensation related to attaining financial metrics for an executive officer whose compensation is required to be disclosed under 17 C.F.R. Section 229.402(a).

(b) When establishing a gas utility's rates, the regulatory authority shall presume that employee compensation and benefits expenses are reasonable and necessary if the expenses are consistent with recent market compensation studies.

SECTION 2. (a) Section 104.060, Utilities Code, as added by this Act, applies only to a proceeding for the establishment of rates for which the regulatory authority has not issued a final order or decision before the effective date of this Act.

(b) A proceeding for which the regulatory authority has issued a final order or decision before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1767** (senate committee printing) in SECTION 1 of the bill, in added Section 104.060, Utilities Code (page 1, line 40), by striking "recent market compensation studies." and substituting "market compensation studies issued not earlier than three years before the initiation of the proceeding to establish the rates.".

**HB 1535 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Flynn called up with senate amendments for consideration at this time,

HB 1535, A bill to be entitled An Act relating to the continuation and functions of the State Securities Board.

Representative Flynn moved to concur in the senate amendments to **HB 1535**.

The motion to concur in the senate amendments to **HB 1535** prevailed by (Record 1687): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Nevárez; Stickland.

Senate Committee Substitute

CSHB 1535, A bill to be entitled An Act relating to the continuation and functions of the State Securities Board.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections J and O, Section 2, The Securities Act (Article 581-2, Vernon's Texas Civil Statutes), are amended to read as follows:

J. On or before January 1 of each year, the Board, with the advice of the Commissioner, shall report to the Governor and the presiding officer of each house of the Legislature as to its administration of this Act, as well as plans and needs for future securities regulation. The report must include:

(1) a detailed accounting of all funds received and disbursed by the Board during the preceding year, including the amount spent by the Board assisting in the criminal prosecution of cases under Subsection B of Section 3 of this Act; and

(2) with respect to cases referred during the preceding year by the Board under Subsection A of Section 3 of this Act, a breakdown by county and district attorney of the number of cases where:

(A) criminal charges were filed;

(B) prosecution is ongoing; or

(C) prosecution was completed.

O. The State Securities Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this Act expires September 1, 2031 ~~[2019]~~.

SECTION 2. Section 2-3, The Securities Act (Article 581-2-3, Vernon's Texas Civil Statutes), is amended by amending Subsection B and adding Subsection D to read as follows:

B. The training program must provide the person with information regarding:

(1) the law governing ~~[legislation that created the]~~ Board operations;

(2) the programs, ~~[operated by the Board;~~

~~[(3) the role and]~~ functions, rules, and budget of the Board;

(3) the scope of and limitations on the rulemaking authority ~~[(4) the rules]~~ of the Board ~~[with an emphasis on the rules that relate to disciplinary and investigatory authority];~~

(4) the types of Board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the Board regulates, including any rule, interpretation, or enforcement action that:

(A) regulates the scope of practice of persons in a profession or business the Board regulates;

(B) restricts advertising by persons in a profession or business the Board regulates;

(C) affects the price of goods or services provided by persons in a profession or business the Board regulates; or

(D) restricts participation in a profession or business the Board regulates;

(5) ~~[the current budget for the Board;~~

~~[(6)]~~ the results of the most recent formal audit of the Board;

(6) ~~[(7)]~~ the requirements of:

(A) laws relating to ~~[the]~~ open meetings, ~~[law, Chapter 551, Government Code;~~

~~[(B) the]~~ public information ~~[law]~~, ~~[Chapter 552, Government Code]~~;

~~[(C) the]~~ administrative procedure ~~[law]~~, ~~[Chapter 2001, Government Code]~~; and disclosing conflicts-of-interest; and

(B) ~~[(D)]~~ other laws applicable ~~[relating]~~ to members of a state policymaking body in performing their duties ~~[public officials, including conflict of interest laws]~~; and

(7) ~~[(8)]~~ any applicable ethics policies adopted by the Board or the Texas Ethics Commission.

D. The Commissioner shall create a training manual that includes the information required by Subsection B of this section. The Commissioner shall distribute a copy of the training manual annually to each member of the Board. Each member of the Board shall sign and submit to the Commissioner a statement acknowledging that the member received and has reviewed the training manual.

SECTION 3. Section 2-6, The Securities Act (Article 581-2-6, Vernon's Texas Civil Statutes), is amended to read as follows:

Art. 581-2-6. COMPLAINTS INFORMATION. A. The Commissioner or the Commissioner's designee shall maintain a system to promptly and efficiently act ~~[file]~~ on complaints ~~[each written complaint]~~ filed with the Commissioner or Board. The Commissioner or the Commissioner's designee shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition ~~[concerning an employee, former employee, or person registered under this Act. The file must include:~~

~~[(1) the name of the person who filed the complaint;~~

~~[(2) the date the complaint is received by the Commissioner or Board;~~

~~[(3) the subject matter of the complaint;~~

~~[(4) the name of each person contacted in relation to the complaint;~~

~~[(5) a summary of the results of the review or investigation of the complaint; and~~

~~[(6) an explanation of the reason the file was closed, if the Commissioner closed the file without taking action other than to investigate the complaint].~~

B. The Commissioner or the Commissioner's designee shall make information available describing ~~[provide to the person filing the complaint and to each person who is a subject of the complaint a copy of]~~ the Board's ~~[policies and]~~ procedures for ~~[relating to]~~ complaint investigation and resolution.

C. The Commissioner or the Commissioner's designee ~~[at least quarterly until final disposition of the complaint,]~~ shall periodically notify the ~~[person filing the]~~ complaint parties ~~[and each person who is a subject of the complaint]~~ of the status of the complaint until final disposition ~~[investigation]~~ unless the notice would jeopardize a law enforcement ~~[an undercover]~~ investigation.

SECTION 4. The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes) is amended by adding Section 2-8 to read as follows:

Sec. 2-8. ALTERNATIVE RULEMAKING AND DISPUTE RESOLUTION. A. The Board shall develop a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of Board rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the Board's jurisdiction.

B. The Board's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

C. The Board shall:

(1) coordinate the implementation of the policy adopted under Subsection A of this section;

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

SECTION 5. Section 3, The Securities Act (Article 581-3, Vernon's Texas Civil Statutes), is amended to read as follows:

Art. 581-3. ADMINISTRATION AND ENFORCEMENT BY THE SECURITIES COMMISSIONER AND THE ATTORNEY GENERAL AND LOCAL LAW ENFORCEMENT OFFICIALS. A. The administration of the provisions of this Act shall be vested in the Securities Commissioner. It shall be the duty of the Securities Commissioner and the Attorney General to see that its provisions are at all times obeyed and to take such measures and to make such investigations as will prevent or detect the violation of any provision thereof. The Commissioner shall at once lay before the District or County Attorney of the proper county any evidence which shall come to his knowledge of criminality under this Act. In the event of the neglect or refusal of such attorney to institute and prosecute such violation, the Commissioner shall submit such evidence to the Attorney General, who is hereby authorized to proceed therein with all the rights, privileges and powers conferred by law upon district or county attorneys, including the power to appear before grand juries and to interrogate witnesses before such grand juries.

B. Subject to Subsection E of this section, the Board may provide assistance to a county or district attorney who requests assistance in a criminal prosecution involving an alleged violation of this Act that is referred by the Board to the attorney under Subsection A of this section.

C. Before referring a case to a county or district attorney for prosecution as required by Subsection A of this section, the Commissioner shall make a determination of:

(1) the potential resources of the Board, including the number and types of Board employees, that would be needed to assist in the prosecution of the case; and

(2) the availability of Board employees and other resources necessary to carry out any request for assistance.

D. The Board by rule shall establish a process to enable the Commissioner to determine whether to provide any requested assistance to the appropriate prosecuting attorney following referral of a case under Subsection A of this section and, if so, the appropriate amount of such assistance. The rules must require the Commissioner to consider:

(1) whether resources are available after taking into account any ongoing Board investigations, investigations under Section 28 of this Act, and criminal prosecutions for which assistance is being provided;

(2) the seriousness of the alleged violation or violations in the case, including the severity of the harm and number of victims involved; and

(3) the state's interest in the prosecution of a particular case and the availability of other methods of redress for the alleged violations, including the pursuit of a civil action.

E. In response to a request for assistance under Subsection B of this section, the Board may provide only those Board employees or resources, if any, determined to be available for that case in accordance with Subsection C of this section. If a change in circumstances occurs after the time of the determination under Subsection C of this section, the Commissioner may reconsider the Commissioner's determination under that subsection and may increase or reduce the number of Board employees or other resources to be made available for a case using the process established under Subsection D of this section.

F. The Attorney General, at least biennially, shall review a sample of criminal cases for which the Board provided requested assistance to county or district attorneys under this section. The review must include an evaluation of the pre-referral determination of available resources to support each case being reviewed as required by Subsection C of this section and any subsequent determination of those resources made by the Commissioner as authorized under Subsection E of this section. The Attorney General may report any concerns the Attorney General has in connection with the Board's provision of assistance to the standing committee of each house of the legislature with primary jurisdiction over Board matters.

SECTION 6. The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes) is amended by adding Section 32-1 to read as follows:

Sec. 32-1. REFUND. A. Subject to Subsection B of this section, the Commissioner may order a dealer, agent, investment adviser, or investment adviser representative regulated under this Act to pay a refund to a client or a purchaser of securities or services from the person or company as provided in an agreed order or an enforcement order instead of or in addition to imposing an administrative penalty or other sanctions.

B. The amount of a refund ordered as provided in an agreed order or an enforcement order may not exceed the amount the client or purchaser paid to the dealer, agent, investment adviser, or investment adviser representative for a service or transaction regulated by the Board. The Commissioner may not require payment of other damages or estimate harm in a refund order.

SECTION 7. Subsection B, Section 35, The Securities Act (Article 581-35, Vernon's Texas Civil Statutes), is amended to read as follows:

B. The Commissioner or Board shall charge and collect the following fees and shall daily pay all fees received into the State Treasury:

(1) for any filing to amend the registration certificate of a dealer or investment adviser or evidence of registration of an agent or investment adviser representative, or issue a duplicate certificate or evidence of registration, [~~or register a branch office,~~] \$25;

(2) for the examination of any original or amended application filed under Subsection A, B, or C of Section 7 of this Act, regardless of whether the application is denied, abandoned, withdrawn, or approved, a fee of one-tenth (1/10) of one percent (1%) of the aggregate amount of securities described and proposed to be sold to persons located within this state based upon the price at which such securities are to be offered to the public;

(3) for certified copies of any papers filed in the office of the Commissioner, the Commissioner shall charge such fees as are reasonably related to costs; however, in no event shall such fees be more than those which the Secretary of State is authorized to charge in similar cases;

(4) for the filing of any application for approval of a stock exchange so that securities fully listed thereon will be exempt, a fee of \$10,000;

(5) for the filing of a request to take the Texas Securities Law Examination, \$35;

(6) for the filing of an initial notice required by the Commissioner to claim a secondary trading exemption, a fee of \$500, and for the filing of a secondary trading exemption renewal notice, a fee of \$500;

(7) for the filing of an initial notice required by the Commissioner to claim a limited offering exemption, a fee of one-tenth (1/10) of one percent (1%) of the aggregate amount of securities described as being offered for sale, but in no case more than \$500; and

(8) for an interpretation by the Board's general counsel of this Act or a rule adopted under this Act, a fee of \$100, except that an officer or employee of a governmental entity and the entity that the officer or employee represents are exempt from the fee under this subsection when the officer or employee is conducting official business of the entity.

SECTION 8. (a) Except as provided by Subsection (b) of this section, Section 2-3, The Securities Act (Article 581-2-3, Vernon's Texas Civil Statutes), as amended by this Act, applies to a member of the State Securities Board appointed before, on, or after the effective date of this Act.

(b) A member of the State Securities Board who, before the effective date of this Act, completed the training program required by Section 2-3, The Securities Act (Article 581-2-3, Vernon's Texas Civil Statutes), as that law existed before the effective date of this Act, is required to complete additional training only on subjects added by this Act to the training program as required by Section 2-3, The Securities Act (Article 581-2-3, Vernon's Texas Civil Statutes), as amended by this Act. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2019, until the member completes the additional training.

SECTION 9. Subsection A, Section 2-6, The Securities Act, (Article 581-2-6, Vernon's Texas Civil Statutes), as amended by this Act, applies only to a complaint filed with the State Securities Board on or after the effective date of this Act. A complaint filed before the effective date of this Act is governed by the law in effect on the date the complaint was filed, and the former law is continued in effect for that purpose.

SECTION 10. Not later than March 1, 2020, the State Securities Board shall adopt rules necessary to implement the changes in law made by this Act to Section 3, The Securities Act (Article 581-3, Vernon's Texas Civil Statutes).

SECTION 11. The change in law made by this Act to Section 35, The Securities Act (Article 581-35, Vernon's Texas Civil Statutes), does not entitle a person to a refund of a registration or other fee paid by the person before the effective date of this Act.

SECTION 12. This Act takes effect September 1, 2019.

HB 2694 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Guillen called up with senate amendments for consideration at this time,

HB 2694, A bill to be entitled An Act relating to the authority of certain insurers to make investments in bond exchange-traded funds.

Representative Guillen moved to concur in the senate amendments to **HB 2694**.

The motion to concur in the senate amendments to **HB 2694** prevailed by (Record 1688): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithe; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Nevárez.

Senate Committee Substitute

CSHB 2694, A bill to be entitled An Act relating to the authority of certain insurers to make investments in bond exchange-traded funds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 424, Insurance Code, is amended by adding Section 424.075 to read as follows:

Sec. 424.075. AUTHORIZED INVESTMENTS: BOND EXCHANGE-TRADED FUNDS. (a) An insurer may invest the insurer's funds in excess of minimum capital and surplus in shares of a bond exchange-traded fund registered under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.), as amended, if:

(1) the exchange-traded fund is solvent and reported at least \$100 million of net assets in the exchange-traded fund's latest annual or more recent certified audited financial statement;

(2) the securities valuation office has designated the exchange-traded fund as meeting the criteria to be placed on the list promulgated by the securities valuation office of exchange-traded funds eligible for reporting as a statutory long-term bond obligation on Internal Revenue Service Form 1040, Schedule D; and

(3) the amount of the insurer's investment in the exchange-traded fund does not exceed 15 percent of the insurer's capital and surplus.

(b) This section does not authorize an insurer to invest in a bond exchange-traded fund that has:

(1) embedded structural features designed to deliver performance that does not track the full unlevered and positive return of the underlying index or exposure, including a leveraged or inverse exchange-traded fund; or

(2) an expense ratio in excess of 100 basis points.

(c) An insurer may deposit with the department shares of a bond exchange-traded fund described by Subsection (a) as a statutory deposit if state law requires a statutory deposit from the insurer.

SECTION 2. Subchapter C, Chapter 425, Insurance Code, is amended by adding Section 425.1231 to read as follows:

Sec. 425.1231. AUTHORIZED INVESTMENTS: BOND EXCHANGE-TRADED FUNDS. (a) An insurance company may invest the insurer's funds in excess of minimum capital and surplus in shares of a bond exchange-traded fund registered under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.), as amended, if:

(1) the exchange-traded fund is solvent and reported at least \$100 million of net assets in the exchange-traded fund's latest annual or more recent certified audited financial statement;

(2) the securities valuation office has designated the exchange-traded fund as meeting the criteria to be placed on the list promulgated by the securities valuation office of exchange-traded funds eligible for reporting as a statutory long-term bond obligation on Internal Revenue Service Form 1040, Schedule D; and

(3) the amount of the insurance company's investment in the exchange-traded fund does not exceed 15 percent of the insurance company's capital and surplus.

(b) This section does not authorize an insurance company to invest in a bond exchange-traded fund that has:

(1) embedded structural features designed to deliver performance that does not track the full unlevered and positive return of the underlying index or exposure, including a leveraged or inverse exchange-traded fund; or

(2) an expense ratio in excess of 100 basis points.

(c) A bond exchange-traded fund described by Subsection (a) shall be considered a business entity for purposes of Section 425.110.

(d) An insurance company may deposit with the department shares of a bond exchange-traded fund described by Subsection (a) as a statutory deposit if state law requires a statutory deposit from the insurance company.

SECTION 3. This Act takes effect September 1, 2019.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 2694** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 424.075(a)(2), Insurance Code (page 1, line 37), strike "statutory".

(2) In SECTION 1 of the bill, in added Section 424.075(a)(2), Insurance Code (page 1, lines 38 and 39), strike "obligation on Internal Revenue Service Form 1040, Schedule D" and substitute "in the Purposes and Procedures Manual of the securities valuation office or a successor publication".

(3) In SECTION 2 of the bill, in added Section 425.1231(a)(2), Insurance Code (page 2, line 8), strike "statutory".

(4) In SECTION 2 of the bill, in added Section 425.1231(a)(2), Insurance Code (page 2, lines 9 and 10), strike "obligation on Internal Revenue Service Form 1040, Schedule D" and substitute "in the Purposes and Procedures Manual of the securities valuation office or a successor publication".

(5) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 425, Insurance Code, is amended by adding Section 425.2061 to read as follows:

Sec. 425.2061. AUTHORIZED INVESTMENTS FOR ALL FUNDS: BOND EXCHANGE-TRADED FUNDS. Subject to Section 425.157(b), an insurer may invest any of the insurer's funds and accumulations in a bond exchange-traded fund described by Section 425.1231(a).

HB 2945 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Perez called up with senate amendments for consideration at this time,

HB 2945, A bill to be entitled An Act relating to payment card skimmers on motor fuel dispensers and to creating a payment fraud fusion center; imposing civil penalties; creating criminal offenses.

Representative Perez moved to concur in the senate amendments to **HB 2945**.

The motion to concur in the senate amendments to **HB 2945** prevailed by (Record 1689): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2945** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The attorney general is required to implement Chapter 424, Government Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the attorney general may, but is not required to, implement Chapter 424, Government Code, as added by this Act, using other appropriations available for that purpose.

HB 1501 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Nevárez called up with senate amendments for consideration at this time,

HB 1501, A bill to be entitled An Act relating to the creation of the Texas Behavioral Health Executive Council and to the continuation and transfer of the regulation of psychologists, marriage and family therapists, professional counselors, and social workers to the Texas Behavioral Health Executive Council; providing civil and administrative penalties; authorizing a fee.

Representative Nevárez moved to concur in the senate amendments to **HB 1501**.

The motion to concur in the senate amendments to **HB 1501** prevailed by (Record 1690): 129 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; Darby; Davis, Y.; Dean; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Coleman; Cyrier; González, J.; Lang; Middleton; Murr; Ramos; Schaefer; Stickland; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C); Zwiener.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Deshotel.

STATEMENTS OF VOTE

When Record No. 1690 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1690 was taken, I was shown voting present, not voting. I intended to vote yes.

Zwiener

Senate Committee Substitute

CSHB 1501, A bill to be entitled An Act relating to the creation of the Texas Behavioral Health Executive Council and to the continuation and transfer of the regulation of psychologists, marriage and family therapists, professional counselors, and social workers to the Texas Behavioral Health Executive Council; providing civil and administrative penalties; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. CREATION OF THE TEXAS BEHAVIORAL HEALTH
EXECUTIVE COUNCIL

SECTION 1.001. Subtitle I, Title 3, Occupations Code, is amended by adding Chapter 507 to read as follows:

CHAPTER 507. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 507.001. DEFINITIONS. In this chapter:

(1) "Executive council" means the Texas Behavioral Health Executive Council.

(2) "License" means a license, certification, registration, or other authorization that is issued by the executive council.

(3) "Marriage and family therapy board" means the Texas State Board of Examiners of Marriage and Family Therapists.

(4) "Professional counseling board" means the Texas State Board of Examiners of Professional Counselors.

(5) "Psychology board" means the Texas State Board of Examiners of Psychologists.

(6) "Social work board" means the Texas State Board of Social Worker Examiners.

Sec. 507.002. APPLICATION OF SUNSET ACT. The Texas Behavioral Health Executive Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the executive council is abolished and this chapter and Chapters 501, 502, 503, and 505 expire September 1, 2031.

SUBCHAPTER B. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

Sec. 507.051. EXECUTIVE COUNCIL MEMBERSHIP. (a) The Texas Behavioral Health Executive Council consists of nine members as follows:

(1) one marriage and family therapist member and one public member of the marriage and family therapy board, each appointed by that board;

(2) one licensed professional counselor member and one public member of the professional counseling board, each appointed by that board;

(3) one psychologist member and one public member of the psychology board, each appointed by that board;

(4) one social worker member and one public member of the social work board, each appointed by that board; and

(5) one public member appointed by the governor.

(b) Appointments to the executive council shall be made without regard to the race, color, disability, sex, age, religion, or national origin of the appointee.

Sec. 507.052. ELIGIBILITY OF PUBLIC MEMBER APPOINTED BY GOVERNOR. A person is not eligible for appointment by the governor as a public member of the executive council if the person or the person's spouse:

(1) is registered, certified, or licensed by an occupational regulatory agency in the field of health care;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board; or

(4) uses or receives a substantial amount of tangible goods, services, or money from the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board, other than compensation or reimbursement authorized by law for executive council, marriage and family therapy board, professional counseling board, psychology board, or social work board membership, attendance, or expenses.

Sec. 507.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the executive council and may not be an executive council employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health care; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of health care.

(c) A person may not be a member of the executive council or act as the general counsel to the executive council if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board.

Sec. 507.054. TERMS; VACANCY. (a) The member appointed by the governor serves a six-year term. The remaining members serve two-year terms with the terms of four of those members expiring February 1 of each year.

(b) A member appointed to fill a vacancy holds office for the unexpired portion of the term.

Sec. 507.055. PRESIDING OFFICER. The member appointed by the governor is the presiding officer of the executive council.

Sec. 507.056. GROUNDS FOR REMOVAL. (a) It is a ground for removal from the executive council that a member:

(1) does not have at the time of taking office the qualifications required by Section 507.051;

(2) does not maintain during service on the executive council the qualifications required by Section 507.051;

(3) is ineligible for membership under Section 507.052 or 507.053;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled executive council meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the executive council.

(b) The validity of an action of the executive council is not affected by the fact that it is taken when a ground for removal of an executive council member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the executive council of the potential ground. The presiding officer shall then notify the appointing authority and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the executive council, who shall then notify the appointing authority and the attorney general that a potential ground for removal exists.

Sec. 507.057. REIMBURSEMENT. A member of the executive council may receive reimbursement for travel expenses as provided by the General Appropriations Act.

Sec. 507.058. MEETINGS. (a) The executive council shall hold at least two regular meetings each year.

(b) The executive council may hold additional meetings on the request of the presiding officer or on the written request of three members of the executive council.

Sec. 507.059. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the executive council may not vote, deliberate, or be counted as a member in attendance at a meeting of the executive council until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the law governing executive council operations;

(2) the programs, functions, rules, and budget of the executive council;

(3) the scope of and limitations on the rulemaking authority of the executive council;

(4) the types of executive council rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the executive council regulates, including any rule, interpretation, or enforcement action that:

(A) regulates the scope of practice of persons in a profession or business the executive council regulates;

(B) restricts advertising by persons in a profession or business the executive council regulates;

(C) affects the price of goods or services provided by persons in a profession or business the executive council regulates; or

(D) restricts participation in a profession or business the executive council regulates;

(5) the results of the most recent formal audit of the executive council;

(6) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and

(B) other laws applicable to members of the executive council in performing their duties; and

(7) any applicable ethics policies adopted by the executive council or the Texas Ethics Commission.

(c) A person appointed to the executive council is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each executive council member. Each member of the executive council shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SUBCHAPTER C. EXECUTIVE DIRECTOR AND OTHER PERSONNEL

Sec. 507.101. EXECUTIVE DIRECTOR; PERSONNEL. The executive council shall employ an executive director and other personnel as necessary to administer this chapter and carry out the functions of the executive council.

Sec. 507.102. DIVISION OF RESPONSIBILITIES. The executive council shall develop and implement policies that clearly separate the policymaking responsibilities of the executive council and the management responsibilities of the executive director and the staff of the executive council.

Sec. 507.103. CAREER LADDER PROGRAM; PERFORMANCE EVALUATIONS. (a) The executive director or the executive director's designee shall develop an intra-agency career ladder program. The program must require intra-agency posting of all nonentry level positions concurrently with any public posting.

(b) The executive director or the executive director's designee shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for executive council employees must be based on the system established under this subsection.

Sec. 507.104. EQUAL OPPORTUNITY POLICY; REPORT. (a) The executive director or the executive director's designee shall prepare and maintain a written policy statement to ensure implementation of an equal opportunity program under which all personnel transactions are made without regard to race, color, disability, sex, age, religion, or national origin. The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel, that are in compliance with the requirements of Chapter 21, Labor Code;

(2) a comprehensive analysis of the executive council workforce that meets federal and state guidelines;

(3) procedures by which a determination can be made of significant underuse in the executive council workforce of all persons for whom federal or state guidelines encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of significant underuse.

(b) A policy statement prepared under Subsection (a) must:

(1) cover an annual period;

(2) be updated annually;

(3) be reviewed by the Texas Workforce Commission for compliance with Subsection (a)(1); and

(4) be filed with the governor.

(c) The governor shall deliver a biennial report to the legislature based on information received under Subsection (b). The report may be made separately or as part of other biennial reports made to the legislature.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 507.151. GENERAL POWERS AND DUTIES. (a) The executive council shall administer and enforce this chapter and Chapters 501, 502, 503, and 505.

(b) In carrying out its duties under this section, the executive council may request input or assistance from the board for the applicable profession.

Sec. 507.152. GENERAL RULEMAKING AUTHORITY. The executive council shall adopt rules as necessary to perform its duties and implement this chapter.

Sec. 507.153. LIMITATION REGARDING CERTAIN RULES. (a) Unless the rule has been proposed by the applicable board for the profession, the executive council may not adopt under this chapter or Chapter 501, 502, 503, or 505:

(1) a rule regarding:

(A) the qualifications necessary to obtain a license, including limiting an applicant's eligibility for a license based on the applicant's criminal history;

(B) the scope of practice of and standards of care and ethical practice for the profession; or

(C) continuing education requirements for license holders; or

(2) a schedule of sanctions for violations of the laws and rules applicable to the profession.

(b) For each rule proposed under Subsection (a), the executive council shall either adopt the rule as proposed or return the rule to the applicable board for revision. On the return of a rule under this subsection, the executive council shall include an explanation of the executive council's reasons for not adopting the rule as proposed.

(c) The executive council retains authority for final adoption of all rules and is responsible for ensuring compliance with all laws regarding the rulemaking process.

(d) The executive council shall adopt rules prescribing the procedure by which rules described by Subsection (a) may be proposed to the executive council.

Sec. 507.154. FEES. The executive council shall set fees in amounts reasonable and necessary to cover the costs of administering this chapter and Chapters 501, 502, 503, and 505, including fees for:

(1) licenses issued by the executive council;

(2) license renewals and late renewals;

(3) examinations; and

(4) any other program or activity administered by the executive council for which a fee is authorized.

Sec. 507.155. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) The executive council may not adopt rules restricting advertising or competitive bidding by a person regulated by the executive council except to prohibit false, misleading, or deceptive practices.

(b) The executive council may not include in rules to prohibit false, misleading, or deceptive practices by a person regulated by the executive council a rule that:

(1) restricts the person's use of any advertising medium;

(2) restricts the person's personal appearance or use of the person's voice in an advertisement;

(3) relates to the size or duration of an advertisement by the person; or

(4) restricts the use of a trade name in advertising by the person.

Sec. 507.156. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION. The executive council shall adopt rules and guidelines as necessary to comply with Chapter 53.

Sec. 507.157. CONTINUING EDUCATION. The executive council shall recognize, prepare, or administer continuing education programs for license holders. A license holder must participate in the programs to the extent required by the executive council to keep the person's license.

Sec. 507.158. USE OF TECHNOLOGY. The executive council shall implement a policy requiring the executive council to use appropriate technological solutions to improve the executive council's ability to perform its functions. The policy must ensure that the public is able to interact with the executive council on the Internet.

Sec. 507.159. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION POLICY. (a) The executive council shall develop a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of executive council rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the executive council's jurisdiction.

(b) The executive council's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The executive council shall:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking and alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

Sec. 507.160. ANNUAL REGISTRY. (a) The executive council shall annually prepare a registry of all license holders.

(b) The executive council shall make the registry available to the public, license holders, and other state agencies.

SUBCHAPTER E. PUBLIC INTEREST INFORMATION AND COMPLAINT PROCEDURES

Sec. 507.201. PUBLIC INTEREST INFORMATION. (a) The executive council shall prepare information of public interest describing the functions of the executive council and the procedures by which complaints are filed with and resolved by the executive council.

(b) The executive council shall make the information available to the public and appropriate state agencies.

Sec. 507.202. COMPLAINTS. (a) The executive council by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the executive council for the purpose of directing complaints to the executive council. The executive council may provide for that notice:

(1) on each registration form, application, or written contract for services of a person regulated by the executive council;

(2) on a sign prominently displayed in the place of business of a person regulated by the executive council; or

(3) in a bill for services provided by a person regulated by the executive council.

(b) The executive council shall list with its regular telephone number any toll-free telephone number established under other state law that may be called to present a complaint about a person regulated by the executive council.

Sec. 507.203. INFORMATION ABOUT COMPLAINT ACTIONS. (a) The executive council shall maintain a system to promptly and efficiently act on complaints filed with the executive council. The executive council shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The executive council shall make information available describing its procedures for complaint investigation and resolution.

(c) The executive council shall periodically notify the parties to a complaint of the status of the complaint until final disposition of the complaint.

Sec. 507.204. GENERAL RULES REGARDING COMPLAINT INVESTIGATION. (a) The executive council shall adopt rules concerning the investigation of a complaint filed with the executive council. The rules adopted under this section must:

- (1) distinguish between categories of complaints;
- (2) ensure that a complaint is not dismissed without appropriate consideration;
- (3) require that the executive council be advised of a complaint that is dismissed and that a letter be sent to the person who filed the complaint explaining the action taken on the complaint;
- (4) ensure that the person who files a complaint has an opportunity to explain the allegations made in the complaint; and
- (5) prescribe guidelines concerning the categories of complaints that require the use of a private investigator and prescribe the procedures for the executive council to obtain the services of a private investigator.

(b) The executive council shall:

- (1) dispose of a complaint in a timely manner; and
- (2) establish a schedule for conducting each phase of the disposition of a complaint that is under the control of the executive council not later than the 30th day after the date the executive council receives the complaint.

(c) The executive council shall notify the parties to a complaint of the projected time requirements for pursuing the complaint.

(d) The executive council shall notify the parties to a complaint of any change in the schedule not later than the seventh day after the date the change is made.

(e) The executive director shall notify the executive council of a complaint that is unresolved after the time prescribed by the executive council for resolving the complaint so that the executive council may take necessary action on the complaint.

(f) The executive council shall assign priorities and investigate complaints based on:

- (1) the severity of the conduct alleged in the complaint; and
- (2) the degree of harm to public health and safety.

Sec. 507.205. CONFIDENTIALITY OF COMPLAINT INFORMATION. (a) Except as provided by Subsection (b), a complaint and investigation and all information and materials compiled by the executive council in connection with the complaint and investigation are not subject to:

- (1) disclosure under Chapter 552, Government Code; or
- (2) disclosure, discovery, subpoena, or other means of legal compulsion for release of information to any person.

(b) A complaint or investigation subject to Subsection (a) and all information and materials compiled by the executive council in connection with the complaint may be disclosed to:

- (1) the executive council and executive council employees or agents involved in license holder discipline;

(2) a party to a disciplinary action against the license holder or that party's designated representative;

(3) the board for the applicable profession;

(4) a law enforcement agency;

(5) a governmental agency, if:

(A) the disclosure is required or permitted by law; and

(B) the agency obtaining the disclosure protects the identity of any patient whose records are examined; or

(6) a person engaged in bona fide research, if all information identifying a specific individual has been deleted.

(c) Unless good cause for delay is shown to the presiding officer at the hearing, the executive council shall provide the license holder with access to all information that the executive council intends to offer into evidence at the hearing not later than the 30th day after the date the executive council receives a written request from a license holder who is entitled to a hearing under this chapter or from the license holder's attorney of record.

(d) The executive council shall protect the identity of any patient whose records are examined in connection with a disciplinary investigation or proceeding against a license holder, except a patient who:

(1) initiates the disciplinary action; or

(2) has submitted a written consent to release the records.

Sec. 507.206. SUBPOENAS. (a) In the investigation of a complaint filed with the executive council, the executive director or presiding officer of the executive council may issue a subpoena to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is in this state.

(b) A subpoena may be served personally or by certified mail.

(c) If a person fails to comply with a subpoena, the executive council, acting through the attorney general, may file suit to enforce the subpoena in a district court in Travis County or in the county in which a hearing conducted by the executive council may be held.

(d) On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may punish a person who fails to obey the court order.

(e) The executive council shall pay a reasonable fee for photocopies subpoenaed under this section in an amount not to exceed the amount the executive council may charge for copies of its records.

(f) The reimbursement of the expenses of a witness whose attendance is compelled under this section is governed by Section 2001.103, Government Code.

(g) Information and materials subpoenaed or compiled by the executive council in connection with the investigation of a complaint may be disclosed only as provided by Section 507.205.

Sec. 507.207. PUBLIC PARTICIPATION. The executive council shall develop and implement policies that provide the public with a reasonable opportunity to appear before the executive council and to speak on any issue under the jurisdiction of the executive council.

SUBCHAPTER F. GENERAL LICENSING PROVISIONS

Sec. 507.251. CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE ISSUANCE. (a) The executive council shall require that an applicant for a license submit a complete and legible set of fingerprints, on a form prescribed by the executive council, to the executive council or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The executive council may not issue a license to a person who does not comply with the requirement of Subsection (a).

(c) The executive council shall conduct a criminal history record information check of each applicant for a license using information:

(1) provided by the individual under this section; and

(2) made available to the executive council by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d) The executive council may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history record information check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history record information check.

Sec. 507.252. EXAMINATION RESULTS. (a) The executive council shall notify each examinee of the results of an examination not later than the 30th day after the date the examination is administered. If an examination is graded or reviewed by a national testing service, the executive council shall notify each examinee of the results of the examination not later than the 14th day after the date the executive council receives the results from the testing service.

(b) If the notice of examination results graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date, the executive council shall notify each examinee of the reason for the delay before the 90th day.

(c) If requested in writing by a person who fails an examination, the executive council shall provide to the person an analysis of the person's performance on the examination.

Sec. 507.253. REEXAMINATION. The executive council by rule shall establish:

(1) a limit on the number of times an applicant for a license who fails an examination may retake the examination; and

(2) the requirements for retaking an examination.

Sec. 507.254. FORM OF LICENSE. A license issued by the executive council must include the name of the board applicable to the license holder.

Sec. 507.255. LICENSE RENEWAL. (a) A person who is otherwise eligible to renew a license may renew an unexpired license by paying the required renewal fee to the executive council before the expiration date of the license.

(b) If the person's license has been expired for 90 days or less, the person may renew the license by paying to the executive council a fee in an amount equal to one and one-half times the required renewal fee.

(c) If the person's license has been expired for more than 90 days but less than one year, the person may renew the license by paying to the executive council a fee in an amount equal to two times the required renewal fee.

(d) If the person's license has been expired for one year or more, the person may not renew the license. The person may obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license.

Sec. 507.256. RENEWAL OF EXPIRED LICENSE OF OUT-OF-STATE PRACTITIONER. (a) The executive council may renew without reexamination an expired license of a person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding the date the person applies for renewal.

(b) The person must pay to the executive council a fee in an amount equal to two times the required renewal fee for the license.

Sec. 507.257. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE RENEWAL. (a) An applicant renewing a license issued under this chapter shall submit a complete and legible set of fingerprints for purposes of performing a criminal history record information check of the applicant as provided by Section 507.251.

(b) The executive council may administratively suspend or refuse to renew the license of a person who does not comply with the requirement of Subsection (a).

(c) A license holder is not required to submit fingerprints under this section for the renewal of a license if the license holder has previously submitted fingerprints under:

(1) Section 507.251 for the initial issuance of the license; or

(2) this section as part of a prior license renewal.

Sec. 507.258. SEARCH OF NATIONAL PRACTITIONER DATABASE. The executive council shall establish a process to search at least one national practitioner database to determine whether another state has taken any disciplinary or other legal action against an applicant or license holder before issuing an initial or renewal license.

Sec. 507.259. ASSISTANCE IN LICENSING DETERMINATIONS. The executive council shall adopt rules establishing the manner in which the executive council will solicit input from and request the assistance of the applicable board for a profession regulated by the executive council when the executive council is considering an application for the issuance or renewal of a license that involves an issue related to standards of care or an applicant's professional qualifications.

SUBCHAPTER G. DISCIPLINARY ACTIONS AND PROCEDURES

Sec. 507.301. DISCIPLINARY ACTIONS. (a) The executive council may deny, revoke, suspend, or refuse to renew a license or may reprimand a license holder if the applicant or license holder violates:

(1) this chapter;
(2) a law of this state regulating the license holder's profession;
(3) an executive council rule; or
(4) a statute or rule of another state as determined through a search conducted as provided by Section 507.258 if the violation would constitute a violation described by Subdivision (1), (2), or (3) had it occurred in this state.

(b) The executive council may place on probation a person whose license is suspended. If a license suspension is probated, the executive council may require the person to:

(1) report regularly to the executive council on matters that are the basis of the probation;

(2) limit the person's practice to the areas prescribed by the executive council; or

(3) continue or review continuing professional education until the person attains a degree of skill satisfactory to the executive council in those areas that are the basis for the probation.

Sec. 507.302. TEMPORARY SUSPENSION. (a) The executive council or a three-member committee of executive council members designated by the executive council shall temporarily suspend the license of a license holder if the executive council or committee determines from the evidence or information presented to it that continued practice by the license holder would constitute a continuing and imminent threat to the public welfare.

(b) A license may be suspended under this section without notice or hearing on the complaint if:

(1) action is taken to initiate proceedings for a hearing before the State Office of Administrative Hearings simultaneously with the temporary suspension; and

(2) a hearing is held as soon as practicable under this chapter and Chapter 2001, Government Code.

(c) The State Office of Administrative Hearings shall hold a preliminary hearing not later than the 14th day after the date of the temporary suspension to determine if there is probable cause to believe that a continuing and imminent threat to the public welfare still exists. A final hearing on the matter shall be held not later than the 61st day after the date of the temporary suspension.

Sec. 507.303. HEARING; ADMINISTRATIVE PROCEDURE. (a) A license holder is entitled to a hearing before the State Office of Administrative Hearings before a sanction is imposed under this subchapter.

(b) A proceeding under this subchapter is governed by Chapter 2001, Government Code.

Sec. 507.304. SCHEDULE OF SANCTIONS. (a) The executive council by rule shall adopt a broad schedule of sanctions.

(b) The State Office of Administrative Hearings shall use the schedule for any sanction imposed under this subchapter as the result of a hearing conducted by that office.

Sec. 507.305. INFORMAL PROCEEDINGS. (a) The executive council by rule shall adopt procedures governing:

(1) informal disposition of a contested case under Section 2001.056, Government Code; and

(2) an informal proceeding held in compliance with Section 2001.054, Government Code.

(b) Rules adopted under this section must:

(1) provide the complainant and the license holder with an opportunity to be heard; and

(2) require the presence of a member of the executive council's legal staff or an attorney employed by the attorney general to advise the executive council or the executive council's employees.

Sec. 507.306. ASSISTANCE IN DISCIPLINARY PROCEEDINGS. (a) The executive council shall adopt rules establishing the manner in which the executive council will solicit input from and request the assistance of the applicable board for a profession regulated by the executive council, regarding a disciplinary proceeding before the executive council involving an issue or complaint related to standards of care or ethical practice.

(b) Rules adopted under this section must include a process for referring a complaint to the applicable board if the complaint alleges:

(1) a substantive violation of a standard of care or ethical guideline for the profession; or

(2) an act of a license holder that violates the profession's scope of practice.

(c) On receiving a recommended disposition of a complaint from the applicable board, the executive council shall adopt the recommended disposition unless the executive council determines that:

(1) the recommended disposition would:

(A) have an anti-competitive effect;

(B) result in an administrative inconsistency; or

(C) raise concerns relating to good governance practices; or

(2) any recommended disciplinary penalty would deviate substantially from the schedule of sanctions for the applicable profession.

SUBCHAPTER H. ADMINISTRATIVE PENALTY

Sec. 507.351. IMPOSITION OF ADMINISTRATIVE PENALTY. The executive council may impose an administrative penalty on a person licensed or regulated by the executive council if the person violates this chapter, a law regulating the applicable profession, or an executive council rule.

Sec. 507.352. AMOUNT OF PENALTY. (a) The amount of an administrative penalty may not exceed \$5,000 for each violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(b) The amount of the penalty must be based on:

- (1) the seriousness of the violation, including:
 - (A) the nature, circumstances, extent, and gravity of any prohibited act; and
 - (B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;
- (2) the economic harm to property or the environment caused by the violation;
- (3) the history of previous violations;
- (4) the amount necessary to deter a future violation;
- (5) efforts made to correct the violation; and
- (6) any other matter that justice may require.

Sec. 507.353. NOTICE OF VIOLATION AND PENALTY. If the executive council determines that a violation occurred, the executive council shall give written notice of the violation to the person alleged to have committed the violation. The notice may be given by certified mail. The notice must:

- (1) include a brief summary of the alleged violation;
- (2) state the amount of the administrative penalty recommended by the executive council; and
- (3) inform the person of the person's right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

Sec. 507.354. PENALTY TO BE PAID OR HEARING REQUESTED. (a) Not later than the 20th day after the date the person receives the notice under Section 507.353, the person may in writing:

- (1) accept the executive council's determination and recommended administrative penalty; or
- (2) request a hearing on the occurrence of the violation, the amount of the penalty, or both.

(b) If the person accepts the executive council's determination and recommended penalty, the executive council shall issue an order and impose the recommended penalty.

Sec. 507.355. HEARING. (a) If the person requests a hearing or fails to respond in a timely manner to the notice under Section 507.353, the executive council shall set a hearing and give written notice of the hearing to the person.

(b) An administrative law judge of the State Office of Administrative Hearings shall hold the hearing.

(c) The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the executive council a proposal for a decision as to the occurrence of the violation and the amount of any proposed administrative penalty.

Sec. 507.356. DECISION BY EXECUTIVE COUNCIL. (a) Based on the findings of fact, conclusions of law, and proposal for a decision, the executive council by order may determine that:

- (1) a violation occurred and impose an administrative penalty; or
- (2) a violation did not occur.

(b) The executive council shall give notice of the order to the person. The notice must include a statement of the right of the person to judicial review of the order.

Sec. 507.357. OPTIONS FOLLOWING DECISION: PAY OR APPEAL.

(a) Not later than the 30th day after the date the executive council's order becomes final, the person shall:

(1) pay the administrative penalty; or

(2) file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both.

(b) Within the 30-day period prescribed by Subsection (a), a person who files a petition for judicial review may:

(1) stay enforcement of the penalty by:

(A) paying the penalty to the court for placement in an escrow account; or

(B) giving to the court a supersedeas bond approved by the court that is:

(i) for the amount of the penalty; and

(ii) effective until judicial review of the executive council's order is final; or

(2) request the court to stay enforcement of the penalty by:

(A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the penalty and is financially unable to give the supersedeas bond; and

(B) giving a copy of the affidavit to the executive council by certified mail.

(c) If the executive council receives a copy of an affidavit under Subsection (b)(2), the executive council may file with the court a contest to the affidavit not later than the fifth day after the date the copy is received.

(d) The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files the affidavit has the burden of proving that the person is financially unable to pay the penalty or to give a supersedeas bond.

Sec. 507.358. COLLECTION OF PENALTY. If the person does not pay the administrative penalty and enforcement of the penalty is not stayed, the executive council may refer the matter to the attorney general for collection of the penalty.

Sec. 507.359. DETERMINATION BY COURT. (a) If the court sustains the determination that a violation has occurred, the court may uphold or reduce the amount of the administrative penalty and order the person to pay the full or reduced amount of the penalty.

(b) If the court does not sustain the determination that a violation occurred, the court shall order that a penalty is not owed.

Sec. 507.360. REMITTANCE OF PENALTY AND INTEREST. (a) If, after judicial review, the administrative penalty is reduced or not imposed by the court, the court shall, after the judgment becomes final:

(1) order that the appropriate amount, plus accrued interest, be remitted to the person if the person paid the penalty; or

(2) order the release of the bond:

(A) if the person gave a supersedeas bond and the penalty is not imposed; or

(B) after the person pays the penalty if the person gave a supersedeas bond and the penalty is reduced.

(b) The interest paid under Subsection (a)(1) is the rate charged on loans to depository institutions by the New York Federal Reserve Bank. The interest shall be paid for the period beginning on the date the penalty is paid and ending on the date the penalty is remitted.

Sec. 507.361. ADMINISTRATIVE PROCEDURE. A proceeding under this subchapter is subject to Chapter 2001, Government Code.

SUBCHAPTER I. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

Sec. 507.401. INJUNCTION. (a) In addition to any other action authorized by law, the executive council may institute an action to enjoin a violation of this chapter, a law regulating the applicable profession, or an executive council rule.

(b) An action filed under this section must be filed in Travis County, the county of the defendant's residence, or the county in which any part of the violation occurred.

(c) The attorney general or the appropriate county or district attorney shall represent the executive council in an action under this section.

Sec. 507.402. CIVIL PENALTY. (a) A person who violates this chapter, a law regulating the applicable profession, or an executive council rule is liable to the state for a civil penalty not to exceed \$1,000 for each day of violation.

(b) At the request of the executive council, the attorney general shall bring an action to recover a civil penalty authorized under this section.

Sec. 507.403. CEASE AND DESIST ORDER. (a) If it appears to the executive council that an unlicensed person is violating this chapter, a law regulating the applicable profession, or an executive council rule, the executive council, after notice and opportunity for a hearing, may issue a cease and desist order prohibiting the person from engaging in the activity.

(b) A violation of an order under this section constitutes grounds for imposing an administrative penalty under Subchapter H.

Sec. 507.404. MONITORING OF LICENSE HOLDER. The executive council by rule shall develop a system to monitor a license holder's compliance with applicable laws and executive council rules. Rules adopted under this section must include procedures to:

(1) monitor for compliance a license holder who is ordered by the executive council to perform certain acts; and

(2) identify and monitor each license holder who represents a risk to the public.

ARTICLE 2. TRANSFER OF LICENSING PROGRAMS TO TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

SECTION 2.001. Section 501.002, Occupations Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Executive council" means the Texas Behavioral Health Executive Council.

SECTION 2.002. The heading to Section 501.053, Occupations Code, is amended to read as follows:

Sec. 501.053. MEMBERSHIP ~~[AND EMPLOYEE]~~ RESTRICTIONS.

SECTION 2.003. Sections 501.053(b) and (c), Occupations Code, are amended to read as follows:

(b) A person may not be a member of the board ~~[and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.)] if:~~

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health services; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of mental health.

(c) A person may not be a member of the board ~~[or act as the general counsel to the board]~~ if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the board.

SECTION 2.004. Section 501.055(c), Occupations Code, is amended to read as follows:

(c) If the executive director of the executive council has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

SECTION 2.005. Section 501.059, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing board operations;

(2) [this chapter and] the programs, functions, rules, and budget of the board;

(3) the scope of and limitations on the rulemaking authority of the board;

(4) the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the board regulates, including any rule, interpretation, or enforcement action that:

(A) regulates the scope of practice of persons in a profession or business the board regulates;

(B) restricts advertising by persons in a profession or business the board regulates;

(C) affects the price of goods or services provided by persons in a profession or business the board regulates; or

(D) restricts participation in a profession or business the board regulates;

(5) ~~(2)~~ the results of the most recent formal audit of the board;

(6) ~~(3)~~ the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and

(B) other laws applicable to members of the board in performing their duties; and

(7) ~~(4)~~ any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(d) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each board member. Each member of the board shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 2.006. The heading to Subchapter D, Chapter 501, Occupations Code, is amended to read as follows:

SUBCHAPTER D. ~~BOARD~~ POWERS AND DUTIES

SECTION 2.007. The heading to Section 501.151, Occupations Code, is amended to read as follows:

Sec. 501.151. GENERAL POWERS AND DUTIES OF EXECUTIVE COUNCIL.

SECTION 2.008. Sections 501.151(c) and (d), Occupations Code, are amended to read as follows:

(c) The executive council ~~board~~ shall adopt and publish a code of ethics under this chapter.

(d) The executive council ~~board~~ may certify the specialty of health service providers under this chapter.

SECTION 2.009. Subchapter D, Chapter 501, Occupations Code, is amended by adding Section 501.1515 to read as follows:

Sec. 501.1515. BOARD DUTIES. The board shall propose to the executive council:

(1) rules regarding:

(A) the qualifications necessary to obtain a license, including rules limiting an applicant's eligibility for a license based on the applicant's criminal history;

(B) the scope of practice of and standards of care and ethical practice for psychology; and

(C) continuing education requirements for license holders; and

(2) a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

SECTION 2.010. Section 501.155, Occupations Code, is amended to read as follows:

Sec. 501.155. VOLUNTARY GUIDELINES. (a) The executive council ~~[board]~~ may cooperate with an agency that is not subject to this chapter to formulate voluntary guidelines to be observed in the training, activities, and supervision of persons who perform psychological services.

(b) Except as provided by Subsection (a), the executive council ~~[board]~~ may not adopt a rule that relates to the administration of an agency that is not subject to this chapter.

SECTION 2.011. Section 501.158, Occupations Code, is amended to read as follows:

Sec. 501.158. COMPETENCY REQUIREMENTS. (a) This section applies to a person who is:

(1) applying to take the ~~[provisional]~~ license examination;

(2) applying for a license or license renewal;

(3) currently licensed under this chapter ~~[by the board]~~; or

(4) otherwise providing psychological services under a license approved by the executive council under this chapter ~~[board]~~.

(b) On a determination by the executive council ~~[board]~~ based on the executive council's ~~[board's]~~ reasonable belief that a person is not physically and mentally competent to provide psychological services with reasonable skill and safety to patients or has a physical or mental disease or condition that would impair the person's competency to provide psychological services, the executive council ~~[board]~~ may request the person to submit to:

(1) a physical examination by a physician approved by the executive council ~~[board]~~; or

(2) a mental examination by a physician or psychologist approved by the executive council ~~[board]~~.

(c) The executive council ~~[board]~~ shall issue an order requiring a ~~[an applicant or]~~ person ~~[seeking renewal of a provisional license]~~ who refuses to submit to an examination under this section to show cause for the person's refusal at a hearing on the order scheduled for not later than the 30th day after the date notice is served on the person. The executive council ~~[board]~~ shall provide notice under this section by personal service or by registered mail, return receipt requested.

(d) At the hearing, the person may appear in person and by counsel and present evidence to justify the person's refusal to submit to examination. After the hearing, the executive council ~~[board]~~ shall issue an order requiring the person to submit to examination under this section or withdrawing the request for the examination.

(e) Unless the request is withdrawn, the executive council may take disciplinary action against a person who refuses to submit to the physical or mental examination ~~[may not take the provisional license examination or renew the person's license, as appropriate]~~.

(f) An appeal from the executive council's ~~[board's]~~ order under this section is governed by Chapter 2001, Government Code.

SECTION 2.012. Section 501.252(a), Occupations Code, is amended to read as follows:

(a) To be licensed under this chapter, a person must apply to the executive council ~~[board]~~ for a license. The executive council ~~[board]~~ shall issue a license to an applicant who:

(1) is qualified for the license under Section 501.2525 ~~[complies with this section];~~ and

(2) pays the fee set by the executive council ~~[board]~~.

SECTION 2.013. Section 501.255, Occupations Code, is redesignated as Section 501.2525, Occupations Code, and amended to read as follows:

Sec. 501.2525 ~~[501.255]~~. ~~[PROVISIONAL]~~ LICENSE ~~[EXAMINATION]~~ QUALIFICATIONS. (a) An applicant is qualified ~~[may take an examination]~~ for a ~~[provisional]~~ license under this chapter if the applicant:

(1) has received:

(A) a doctoral degree in psychology from a regionally accredited educational institution conferred on or after January 1, 1979; or

(B) a doctoral degree in psychology, or the substantial equivalent of a doctoral degree in psychology in both subject matter and extent of training, from a regionally accredited educational institution conferred before January 1, 1979;

(2) except as provided by Subsection (c) and Section 501.253, has:

(A) at least two years of supervised experience in the field of psychological services, one year of which may be as part of the doctoral program and at least one year of which began after the date the person's doctoral degree was conferred by an institution of higher education; and

(B) passed any examination required by Section 501.256;

(3) has attained the age of majority;

~~[(3) has good moral character;]~~

(4) is physically and mentally competent to provide psychological services with reasonable skill and safety, as determined by the executive council ~~[board]~~;

(5) is not afflicted with a mental or physical disease or condition that would impair the applicant's competency to provide psychological services;

(6) has not been convicted of a crime involving moral turpitude or a felony;

(7) does not use drugs or alcohol to an extent that affects the applicant's professional competency;

(8) has not engaged in fraud or deceit in making the application; and

(9) except as provided by Section 501.263, has not:

(A) aided or abetted the practice of psychology by a person not licensed under this chapter in representing that the person is licensed under this chapter;

(B) represented that the applicant is licensed under this chapter to practice psychology when the applicant is not licensed; or

(C) practiced psychology in this state without a license under this chapter or without being exempt under this chapter.

(b) In determining under Subsection (a)(1)(B) whether a degree is substantially equivalent to a doctoral degree in psychology, the executive council ~~[board]~~ shall consider whether, at the time the degree was conferred, the doctoral program met the prevailing standards for training in the area of psychology, including standards for training in clinical, school, and industrial counseling.

(c) Subsection (a)(2)(A) does not apply to an applicant who:

(1) is licensed in good standing in another state to independently practice psychology; and

(2) has independently practiced psychology in that state for at least five years.

(d) For purposes of Subsection (a)(2)(A), experience is supervised only if the experience is supervised by a psychologist in the manner provided by the executive council's supervision guidelines. To determine the acceptability of an applicant's experience, the executive council may require documentary evidence of the quality, scope, and nature of the applicant's experience. The executive council may count toward the supervised experience an applicant is required to obtain after the applicant's degree is conferred any hours of supervised experience the applicant completed as part of a degree program accredited by the American Psychological Association, the Canadian Psychological Association, or a substantially equivalent degree program.

SECTION 2.014. Section 501.253, Occupations Code, is amended to read as follows:

Sec. 501.253. PROVISIONAL STATUS FOR CERTAIN APPLICANTS ~~[LICENSE]~~. (a) The executive council may ~~[board shall]~~ issue a ~~[provisional]~~ license with a provisional status to an applicant who has not satisfied the experience or examination requirements of Section 501.2525(a)(2) but is otherwise qualified for the license under Section 501.2525 [-

~~(1) passed the examinations prescribed by the board;~~

~~(2) satisfied the preliminary requirements of Sections 501.254 and 501.255; and~~

~~(3) paid the fee for a provisional license].~~

(b) A ~~[provisional]~~ license holder described by Subsection (a) is entitled to practice psychology under the supervision of a psychologist to meet the requirements for issuance of a license under Section 501.2525, except that if the ~~[501.252. A provisional]~~ license holder ~~[who]~~ is licensed in another state to independently practice psychology and is in good standing in that state, the license holder [and who seeks a license in this state] is entitled to practice psychology without the supervision of a psychologist ~~[during the time that the board is processing the person's application for a license].~~

(c) The executive council ~~[board]~~ shall adopt rules that apply to a ~~[provisional]~~ license holder described by Subsection (a) ~~[holders]~~ identifying:

(1) the activities that the license holder ~~[holders]~~ may engage in; and

(2) services that may be provided by the license holder ~~[holders]~~.

(d) The executive council ~~[board]~~ may refuse to renew a ~~[the provisional]~~ license issued under Subsection (a) if the license holder ~~[of a person who]~~ does not meet the requirements prescribed by Section 501.2525(a)(2) ~~[501.255]~~.

(e) The executive council ~~[board]~~ may not restrict the issuance of a license ~~[or provisional license]~~ to an applicant who is licensed in another state to independently practice psychology and is in good standing in that state based on the number of years the applicant has been licensed in good standing in that state.

~~[(f) If an applicant who is licensed in another state to independently practice psychology and is in good standing in that state presents credentials from a national accreditation organization to the board and the board determines that the requirements for obtaining those credentials from that organization are sufficient to protect the public, the board may issue a provisional license to the applicant. An applicant who obtains a provisional license under this subsection must have passed the examination described by Section 501.256(b)(2).]~~

SECTION 2.015. Section 501.256, Occupations Code, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsection (b-1) to read as follows:

(a) The executive council ~~[board]~~ shall administer to qualified applicants at least annually any ~~[the oral and]~~ written examination required by executive council ~~[board]~~ rules. An ~~[The board shall have the written portion of the]~~ examination must be ~~[, if any,]~~ validated by an independent testing professional.

(b) The board shall determine the subject and scope of each examination ~~[the examinations and establish appropriate fees for examinations administered]~~. The examination must test the applicant's knowledge of:

- (1) the discipline and profession of psychology; and
- (2) the laws and rules governing the profession of psychology in this state.

(b-1) The executive council shall establish appropriate fees for examinations administered under this chapter.

(c) The executive council ~~[board]~~ may waive the discipline and professional segment of the examination requirement for an applicant who:

- (1) is a specialist of the American Board of Professional Psychology; or
- (2) in the executive council's ~~[board's]~~ judgment, has demonstrated competence in the areas covered by the examination.

(d) The contents of the examination described by Subsection (b)(2) are the jurisprudence examination. The executive council ~~[board]~~ shall administer and each applicant must pass the jurisprudence examination before the executive council ~~[board]~~ may issue a ~~[provisional]~~ license.

SECTION 2.016. Section 501.259, Occupations Code, is amended to read as follows:

Sec. 501.259. LICENSING OF PSYCHOLOGICAL ASSOCIATE. (a) The executive council ~~[board]~~ shall set standards for the issuance of licenses to psychological personnel who hold a master's degree from an accredited university or college in a program that is primarily psychological in nature.

(b) The executive council ~~[board]~~ shall designate a person who holds a license authorized by this section by a title that includes the adjective "psychological" followed by a noun such as "associate," "assistant," "examiner," or "technician."

SECTION 2.017. Sections 501.260(a) and (b), Occupations Code, are amended to read as follows:

(a) The executive council ~~[board]~~ by rule shall issue a license to a licensed specialist in school psychology. A license issued under this section constitutes the appropriate credential for a person who provides psychological services as required by Section 21.003(b), Education Code.

(b) The executive council ~~[board]~~ shall set the standards to qualify for a license under this section. The standards must include:

- (1) satisfaction of minimum recognized graduate degree requirements;
- (2) completion of graduate course work at a regionally accredited institution of higher education in:
 - (A) psychological foundations;
 - (B) educational foundations;
 - (C) interventions;
 - (D) assessments; and
 - (E) professional issues and ethics;
- (3) completion of at least 1,200 hours of supervised experience;
- (4) receipt of a passing score on a nationally recognized qualifying examination determined to be appropriate by the executive council ~~[board]~~ and on any other examination required by the executive council ~~[board]~~; and
- (5) satisfaction of the requirements under Sections 501.2525(a)(3)-(9); ~~other than the degree requirements, for an applicant to take an examination for a provisional license~~].

SECTION 2.018. Section 501.262, Occupations Code, is amended to read as follows:

Sec. 501.262. RECIPROCAL LICENSE. The executive council ~~[board]~~ may enter into and implement agreements with other jurisdictions for the issuance of a license by reciprocity if the other jurisdiction's requirements for licensing, certification, or registration are substantially equal to the requirements of this chapter.

SECTION 2.019. Sections 501.263(a), (b), (c), and (e), Occupations Code, are amended to read as follows:

(a) The executive council ~~[board]~~ may issue a temporary license to an applicant seeking to practice in this state for a limited time and limited purpose if the applicant:

- (1) pays the required application fee;
- (2) submits an application to the executive council ~~[board]~~ in the form prescribed by the executive council ~~[board]~~;
- (3) is licensed, certified, or registered as a psychologist or psychological associate by another state having requirements substantially equal to those prescribed by this chapter;
- (4) is in good standing with the regulatory agency of the jurisdiction in which the person is licensed, certified, or registered;
- (5) is supervised by a person licensed ~~[by the board]~~ under this chapter with whom the temporary license holder may consult during the time the person holds a temporary license; and

(6) has passed an examination recognized by the executive council ~~[board]~~ as equivalent to the examination required ~~[by the board]~~ for a permanent license under this chapter.

(b) A temporary license is valid only for the period specified by the executive council ~~[board]~~ and for the limited purpose approved by the executive council ~~[board]~~.

(c) The executive council ~~[board]~~ may adopt rules to issue a temporary license to a person who holds a license or the equivalent from another country.

(e) A person holding a temporary license issued under this chapter shall display a sign indicating that the license is temporary. The sign must be approved by the executive council ~~[board]~~ and displayed in every room in which the person provides psychological services.

SECTION 2.020. Section 501.264(a), Occupations Code, is amended to read as follows:

(a) A psychologist may place the psychologist's license on inactive status by applying to the executive council ~~[board]~~ and paying a fee established by the executive council ~~[board]~~.

SECTION 2.021. Section 501.301, Occupations Code, is amended to read as follows:

Sec. 501.301. LICENSE EXPIRATION AND RENEWAL. (a) The executive council shall adopt rules providing for the expiration and renewal of a ~~[A] license issued under this chapter. The rules must require a license be renewed annually or biennially [expires on December 31 of the year following the date the license is issued or renewed. A license of a psychological associate expires on May 31 of the year following the date the license is issued or renewed].~~

(b) The executive council ~~[board]~~ by rule may adopt a system under which licenses expire on various dates during the year. For a year in which the expiration date is changed, the executive council ~~[board]~~ shall prorate the licensing fee so that each license holder pays only the portion of the fee that is allocable to the number of months during which the license is valid. On renewal of the license on the new expiration date, the entire licensing fee is payable.

SECTION 2.022. Sections 501.351(a) and (c), Occupations Code, are amended to read as follows:

(a) A psychologist licensed under this chapter may delegate to a ~~[provisionally licensed]~~ psychologist who holds a license described by Section 501.253, a newly licensed psychologist who is not eligible for managed care panels, a person who holds a temporary license issued under Section 501.263, or a person enrolled in a formal internship as provided by executive council ~~[board]~~ rules ~~[, and a person who satisfies Section 501.255(a) and is in the process of acquiring the supervised experience required by Section 501.252(b)(2)]~~ any psychological test or service that a reasonable and prudent psychologist could delegate within the scope of sound psychological judgment if the psychologist determines that:

(1) the test or service can be properly and safely performed by the person;

(2) the person does not represent to the public that the person is authorized to practice psychology; and

(3) the test or service will be performed in the customary manner and in compliance with any other law.

(c) The executive council ~~[board]~~ may determine whether:

(1) a psychological test or service may be properly and safely delegated under this section; and

(2) a delegated act constitutes the practice of psychology under this chapter.

SECTION 2.023. Section 501.401, Occupations Code, is amended to read as follows:

Sec. 501.401. FOUNDATIONS FOR DISCIPLINARY ACTION. The executive council ~~[board]~~ shall take disciplinary action under Subchapter G, Chapter 507, against ~~[revoke or suspend a holder's license, place on probation a person whose license has been suspended, or reprimand]~~ a license holder who:

(1) violates this chapter or a rule adopted under this chapter ~~[by the board]~~;

(2) is convicted of a felony or of any offense that would be a felony under the laws of this state, or of a violation of a law involving moral turpitude;

(3) uses drugs or alcohol to an extent that affects the person's professional competency;

(4) engages in fraud or deceit in connection with services provided as a psychologist;

(5) except as provided by Section 501.263:

(A) aids or abets the practice of psychology by a person not licensed under this chapter in representing that the person is licensed under this chapter;

(B) represents that the person is licensed under this chapter to practice psychology when the person is not licensed; or

(C) practices psychology in this state without a license under this chapter or without being qualified for an exemption under Section 501.004; or

(6) commits an act for which liability exists under Chapter 81, Civil Practice and Remedies Code.

SECTION 2.024. Section 501.407, Occupations Code, is amended to read as follows:

Sec. 501.407. REMEDIAL CONTINUING EDUCATION. The executive council ~~[board]~~ may require a license holder who violates this chapter to participate in a continuing education program. The executive council ~~[board]~~ shall specify the continuing education program that the person may attend and the number of hours that the person must complete to fulfill the requirements of this section.

SECTION 2.025. Section 501.408, Occupations Code, is amended to read as follows:

Sec. 501.408. CORRECTIVE ADVERTISING. The executive council ~~[board]~~ may order corrective advertising if a psychologist, individually or under an assumed name, engages in false, misleading, or deceptive advertising.

SECTION 2.026. Subchapter I, Chapter 501, Occupations Code, is amended by adding Section 501.411 to read as follows:

Sec. 501.411. REMEDIAL PLAN. (a) The executive council may issue and establish the terms of a remedial plan to resolve the investigation of a complaint filed under this chapter.

(b) The executive council by rule shall establish the types of complaints or violations that may be resolved with a remedial plan. The rules must provide that a remedial plan may not be imposed to resolve a complaint:

(1) involving conduct that poses a significant risk of harm to a patient;
or

(2) in which the appropriate resolution may involve revoking, suspending, limiting, or restricting a person's license.

(c) A remedial plan may not contain a provision that:

(1) revokes, suspends, limits, or restricts a person's license; or

(2) assesses an administrative penalty against a person.

(d) The executive council may not issue a remedial plan to resolve a complaint against a license holder if the license holder has previously entered into a remedial plan with the executive council for the resolution of a different complaint filed under this chapter.

(e) The executive council may assess a fee against a license holder participating in a remedial plan in an amount necessary to recover the costs of administering the plan.

SECTION 2.027. Section 501.505, Occupations Code, is amended to read as follows:

Sec. 501.505. OPTION TO ORDER REFUND. (a) Under an agreement resulting from an informal settlement conference, the executive council [~~board~~] may order a license holder to refund to the person who paid for the psychological services at issue an amount not to exceed the amount the person paid to the license holder for a service regulated by this chapter instead of or in addition to imposing an administrative penalty under Subchapter H, Chapter 507 [~~this chapter~~].

(b) The executive council [~~board~~] may not include an estimation of other damages or harm in a refund order.

SECTION 2.028. Chapter 501, Occupations Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. PSYCHOLOGY INTERJURISDICTIONAL COMPACT

Sec. 501.601. PSYCHOLOGY INTERJURISDICTIONAL COMPACT. The Psychology Interjurisdictional Compact is enacted and entered into as follows:

PSYCHOLOGY INTERJURISDICTIONAL COMPACT

ARTICLE I. PURPOSE

Whereas, states license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice; and

Whereas, this Compact is intended to regulate the day to day practice of telepsychology (i.e. the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this Compact is intended to authorize State Psychology Regulatory Authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state;

Whereas, this Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

Whereas, this Compact does not apply when a psychologist is licensed in both the Home and Receiving States; and

Whereas, this Compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;
2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;
3. Encourage the cooperation of Compact States in the areas of psychology licensure and regulation;
4. Facilitate the exchange of information between Compact States regarding psychologist licensure, adverse actions and disciplinary history;
5. Promote compliance with the laws governing psychological practice in each Compact State; and
6. Invest all Compact States with the authority to hold licensed psychologists accountable through the mutual recognition of Compact State licenses.

ARTICLE II. DEFINITIONS

A. "Adverse Action" means: Any action taken by a State Psychology Regulatory Authority which finds a violation of a statute or regulation that is identified by the State Psychology Regulatory Authority as discipline and is a matter of public record.

B. "Association of State and Provincial Psychology Boards (ASPPB)" means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

- C. "Authority to Practice Interjurisdictional Telepsychology" means: a licensed psychologist's authority to practice telepsychology, within the limits authorized under this Compact, in another Compact State.
- D. "Bylaws" means: those Bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Section X for its governance, or for directing and controlling its actions and conduct.
- E. "Client/Patient" means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.
- F. "Commissioner" means: the voting representative appointed by each State Psychology Regulatory Authority pursuant to Section X.
- G. "Compact State" means: a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C or been terminated pursuant to Article XII, Section B.
- H. "Coordinated Licensure Information System" also referred to as "Coordinated Database" means: an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.
- I. "Confidentiality" means: the principle that data or information is not made available or disclosed to unauthorized persons and/or processes.
- J. "Day" means: any part of a day in which psychological work is performed.
- K. "Distant State" means: the Compact State where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary in-person, face-to-face psychological services.
- L. "E.Passport" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.
- M. "Executive Board" means: a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.
- N. "Home State" means: a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.
- O. "Identity History Summary" means: a summary of information retained by the FBI, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

- P. "In-Person, Face-to-Face" means: interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.
- Q. "Interjurisdictional Practice Certificate (IPC)" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the State Psychology Regulatory Authority of intention to practice temporarily, and verification of one's qualifications for such practice.
- R. "License" means: authorization by a State Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.
- S. "Non-Compact State" means: any State which is not at the time a Compact State.
- T. "Psychologist" means: an individual licensed for the independent practice of psychology.
- U. "Psychology Interjurisdictional Compact Commission" also referred to as "Commission" means: the national administration of which all Compact States are members.
- V. "Receiving State" means: a Compact State where the client/patient is physically located when the telepsychological services are delivered.
- W. "Rule" means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Section XI of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact State, and includes the amendment, repeal or suspension of an existing rule.
- X. "Significant Investigatory Information" means:
1. investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or
 2. investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.
- Y. "State" means: a state, commonwealth, territory, or possession of the United States, the District of Columbia.
- Z. "State Psychology Regulatory Authority" means: the Board, office or other agency with the legislative mandate to license and regulate the practice of psychology.
- AA. "Telepsychology" means: the provision of psychological services using telecommunication technologies.

BB. "Temporary Authorization to Practice" means: a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State.

CC. "Temporary In-Person, Face-to-Face Practice" means: where a psychologist is physically present (not through the use of telecommunications technologies), in the Distant State to provide for the practice of psychology for 30 days within a calendar year and based on notification to the Distant State.

ARTICLE III. HOME STATE LICENSURE

A. The Home State shall be a Compact State where a psychologist is licensed to practice psychology.

B. A psychologist may hold one or more Compact State licenses at a time. If the psychologist is licensed in more than one Compact State, the Home State is the Compact State where the psychologist is physically present when the services are delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

C. Any Compact State may require a psychologist not previously licensed in a Compact State to obtain and retain a license to be authorized to practice in the Compact State under circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

D. Any Compact State may require a psychologist to obtain and retain a license to be authorized to practice in a Compact State under circumstances not authorized by Temporary Authorization to Practice under the terms of this Compact.

E. A Home State's license authorizes a psychologist to practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

1. Currently requires the psychologist to hold an active E.Passport;
2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation FBI, or other designee with similar authority, no later than ten years after activation of the Compact; and
5. Complies with the Bylaws and Rules of the Commission.

F. A Home State's license grants Temporary Authorization to Practice to a psychologist in a Distant State only if the Compact State:

1. Currently requires the psychologist to hold an active IPC;
2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation FBI, or other designee with similar authority, no later than ten years after activation of the Compact; and
5. Complies with the Bylaws and Rules of the Commission.

ARTICLE IV. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

- A. Compact States shall recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice telepsychology in other Compact States (Receiving States) in which the psychologist is not licensed, under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.
- B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:
 1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
 - a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; OR
 - b. A foreign college or university deemed to be equivalent to 1 (a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; AND
 2. Hold a graduate degree in psychology that meets the following criteria:
 - a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;
 - b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;
 - c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
 - d. The program must consist of an integrated, organized sequence of study;
 - e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
 - f. The designated director of the program must be a psychologist and a member of the core faculty;
 - g. The program must have an identifiable body of students who are matriculated in that program for a degree;

- h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;
 - i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree;
 - j. The program includes an acceptable residency as defined by the Rules of the Commission.
- 3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;
- 4. Have no history of adverse action that violate the Rules of the Commission;
- 5. Have no criminal record history reported on an Identity History Summary that violates the Rules of the Commission;
- 6. Possess a current, active E.Passport;
- 7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
- 8. Meet other criteria as defined by the Rules of the Commission.
- C. The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.
- D. A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A Receiving State may, in accordance with that state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect the health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.
- E. If a psychologist's license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.

ARTICLE V. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

- A. Compact States shall also recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice temporarily in other Compact States (Distant States) in which the psychologist is not licensed, as provided in the Compact.

B. To exercise the Temporary Authorization to Practice under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
 - a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; OR
 - b. A foreign college or university deemed to be equivalent to 1 (a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; AND
2. Hold a graduate degree in psychology that meets the following criteria:
 - a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;
 - b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;
 - c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
 - d. The program must consist of an integrated, organized sequence of study;
 - e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
 - f. The designated director of the program must be a psychologist and a member of the core faculty;
 - g. The program must have an identifiable body of students who are matriculated in that program for a degree;
 - h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;
 - i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;
 - j. The program includes an acceptable residency as defined by the Rules of the Commission.
3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;
4. No history of adverse action that violate the Rules of the Commission;
5. No criminal record history that violates the Rules of the Commission;
6. Possess a current, active IPC;
7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the Rules of the Commission.
- C. A psychologist practicing into a Distant State under the Temporary Authorization to Practice shall practice within the scope of practice authorized by the Distant State.
- D. A psychologist practicing into a Distant State under the Temporary Authorization to Practice will be subject to the Distant State's authority and law. A Distant State may, in accordance with that state's due process law, limit or revoke a psychologist's Temporary Authorization to Practice in the Distant State and may take any other necessary actions under the Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a Distant State takes action, the state shall promptly notify the Home State and the Commission.
- E. If a psychologist's license in any Home State, another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.

ARTICLE VI. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

- A. A psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in the Rules of the Commission, and under the following circumstances:
1. The psychologist initiates a client/patient contact in a Home State via telecommunications technologies with a client/patient in a Receiving State;
 2. Other conditions regarding telepsychology as determined by Rules promulgated by the Commission.

ARTICLE VII. ADVERSE ACTIONS

- A. A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.
- B. A Receiving State may take adverse action on a psychologist's Authority to Practice Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse action against a psychologist based on an adverse action taken by a Distant State regarding temporary in-person, face-to-face practice.
- C. If a Home State takes adverse action against a psychologist's license, that psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is terminated and the IPC is revoked.

1. All Home State disciplinary orders which impose adverse action shall be reported to the Commission in accordance with the Rules promulgated by the Commission. A Compact State shall report adverse actions in accordance with the Rules of the Commission.
 2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the Rules of the Commission.
 3. Other actions may be imposed as determined by the Rules promulgated by the Commission.
- D. A Home State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a Receiving State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Home State's law shall control in determining any adverse action against a psychologist's license.
- E. A Distant State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under Temporary Authorization Practice which occurred in that Distant State as it would if such conduct had occurred by a licensee within the Home State. In such cases, Distant State's law shall control in determining any adverse action against a psychologist's Temporary Authorization to Practice.
- F. Nothing in this Compact shall override a Compact State's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the Compact State's law. Compact States must require psychologists who enter any alternative programs to not provide telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary psychological services under the Temporary Authorization to Practice in any other Compact State during the term of the alternative program.
- G. No other judicial or administrative remedies shall be available to a psychologist in the event a Compact State imposes an adverse action pursuant to subsection C, above.

ARTICLE VIII. ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

- A. In addition to any other powers granted under state law, a Compact State's Psychology Regulatory Authority shall have the authority under this Compact to:
1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings.

The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.
3. During the course of any investigation, a psychologist may not change his/her Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the Rules of the Commission. All information provided to the Commission or distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact States.

ARTICLE IX. COORDINATED LICENSURE INFORMATION SYSTEM

- A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on all psychologists individuals to whom this Compact is applicable in all Compact States as defined by the Rules of the Commission.
- B. Notwithstanding any other provision of state law to the contrary, a Compact State shall submit a uniform data set to the Coordinated Database on all licensees as required by the Rules of the Commission, including:
 1. Identifying information;
 2. Licensure data;
 3. Significant investigatory information;
 4. Adverse actions against a psychologist's license;
 5. An indicator that a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is revoked;
 6. Non-confidential information related to alternative program participation information;
 7. Any denial of application for licensure, and the reasons for such denial; and
 8. Other information which may facilitate the administration of this Compact, as determined by the Rules of the Commission.
- C. The Coordinated Database administrator shall promptly notify all Compact States of any adverse action taken against, or significant investigative information on, any licensee in a Compact State.

D. Compact States reporting information to the Coordinated Database may designate information that may not be shared with the public without the express permission of the Compact State reporting the information.

E. Any information submitted to the Coordinated Database that is subsequently required to be expunged by the law of the Compact State reporting the information shall be removed from the Coordinated Database.

ARTICLE X. ESTABLISHMENT OF THE PSYCHOLOGY
INTERJURISDICTIONAL COMPACT COMMISSION

A. The Compact States hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

1. The Commission is a body politic and an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. The Commission shall consist of one voting representative appointed by each Compact State who shall serve as that state's Commissioner. The State Psychology Regulatory Authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the Compact State. This delegate shall be limited to:

a. Executive Director, Executive Secretary or similar executive;

b. Current member of the State Psychology Regulatory Authority of a Compact State; OR

c. Designee empowered with the appropriate delegate authority to act on behalf of the Compact State.

2. Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compact State in which the vacancy exists.

3. Each Commissioner shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of Bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A Commissioner shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide for Commissioners' participation in meetings by telephone or other means of communication.

4. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article XI.

6. The Commission may convene in a closed, non-public meeting if the Commission must discuss:
 - a. Non-compliance of a Compact State with its obligations under the Compact;
 - b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
 - c. Current, threatened, or reasonably anticipated litigation against the Commission;
 - d. Negotiation of contracts for the purchase or sale of goods, services or real estate;
 - e. Accusation against any person of a crime or formally censuring any person;
 - f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;
 - g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - h. Disclosure of investigatory records compiled for law enforcement purposes;
 - i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or
 - j. Matters specifically exempted from disclosure by federal and state statute.
7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.
- C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws and/or Rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including but not limited to:
 1. Establishing the fiscal year of the Commission;
 2. Providing reasonable standards and procedures:
 - a. for the establishment and meetings of other committees; and
 - b. governing any general or specific delegation of any authority or function of the Commission;

3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed;
 4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;
 5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any Compact State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;
 6. Promulgating a Code of Ethics to address permissible and prohibited activities of Commission members and employees;
 7. Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;
 8. The Commission shall publish its Bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact States;
 9. The Commission shall maintain its financial records in accordance with the Bylaws; and
 10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.
- D. The Commission shall have the following powers:
1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rule shall have the force and effect of law and shall be binding in all Compact States;
 2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Psychology Regulatory Authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;
 3. To purchase and maintain insurance and bonds;
 4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a Compact State;
 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;
 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;
 8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;
 9. To establish a budget and make expenditures;
 10. To borrow money;
 11. To appoint committees, including advisory committees comprised of Members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the Bylaws;
 12. To provide and receive information from, and to cooperate with, law enforcement agencies;
 13. To adopt and use an official seal; and
 14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.
- E. The Executive Board
- The elected officers shall serve as the Executive Board, which shall have the power to act on behalf of the Commission according to the terms of this Compact.
1. The Executive Board shall be comprised of six members:
 - a. Five voting members who are elected from the current membership of the Commission by the Commission;
 - b. One ex-officio, nonvoting member from the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.
 2. The ex-officio member must have served as staff or member on a State Psychology Regulatory Authority and will be selected by its respective organization.
 3. The Commission may remove any member of the Executive Board as provided in Bylaws.
 4. The Executive Board shall meet at least annually.
 5. The Executive Board shall have the following duties and responsibilities:
 - a. Recommend to the entire Commission changes to the Rules or Bylaws, changes to this Compact legislation, fees paid by Compact States such as annual dues, and any other applicable fees;
 - b. Ensure Compact administration services are appropriately provided, contractual or otherwise;
 - c. Prepare and recommend the budget;

- d. Maintain financial records on behalf of the Commission;
- e. Monitor Compact compliance of member states and provide compliance reports to the Commission;
- f. Establish additional committees as necessary; and
- g. Other duties as provided in Rules or Bylaws.

F. Financing of the Commission

- 1. The Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.
- 2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.
- 3. The Commission may levy on and collect an annual assessment from each Compact State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission which shall promulgate a rule binding upon all Compact States.
- 4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Compact States, except by and with the authority of the Compact State.
- 5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its Bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

- 1. The members, officers, Executive Director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.
- 2. The Commission shall defend any member, officer, Executive Director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment,

duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, Executive Director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE XI. RULEMAKING

- A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.
- B. If a majority of the legislatures of the Compact States rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any Compact State.
- C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.
- D. Prior to promulgation and adoption of a final rule or Rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:
 1. On the website of the Commission; and
 2. On the website of each Compact States' Psychology Regulatory Authority or the publication in which each state would otherwise publish proposed rules.
- E. The Notice of Proposed Rulemaking shall include:
 1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
 2. The text of the proposed rule or amendment and the reason for the proposed rule;
 3. A request for comments on the proposed rule from any interested person; and
 4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

- F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.
- G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:
 - 1. At least twenty-five (25) persons who submit comments independently of each other;
 - 2. A governmental subdivision or agency; or
 - 3. A duly appointed person in an association that has having at least twenty-five (25) members.
- H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.
 - 1. All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.
 - 2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
 - 3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.
 - 4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.
- I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.
- J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
- K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.
- L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:
 - 1. Meet an imminent threat to public health, safety, or welfare;
 - 2. Prevent a loss of Commission or Compact State funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Oversight

1. The Executive, Legislative and Judicial branches of state government in each Compact State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.
2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.
3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Compact State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:
 - a. Provide written notice to the defaulting state and other Compact States of the nature of the default, the proposed means of remedying the default and/or any other action to be taken by the Commission; and
 - b. Provide remedial training and specific technical assistance regarding the default.
2. If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the Compact States, and all rights, privileges and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the Compact States.
4. A Compact State which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.
5. The Commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.
6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the Compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a Compact State, the Commission shall attempt to resolve disputes related to the Compact which arise among Compact States and between Compact and Non-Compact States.
2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.
2. By majority vote, the Commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the Compact has its principal offices against a Compact State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and Bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.
3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE XIII. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

- A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact State. The provisions which become effective at that time shall be limited to the powers granted to the Commission

relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

- B. Any state which joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule which has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.
- C. Any Compact State may withdraw from this Compact by enacting a statute repealing the same.
1. A Compact State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.
 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Psychology Regulatory Authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.
- D. Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a Compact State and a Non-Compact State which does not conflict with the provisions of this Compact.
- E. This Compact may be amended by the Compact States. No amendment to this Compact shall become effective and binding upon any Compact State until it is enacted into the law of all Compact States.

ARTICLE XIV. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining Compact States.

Sec. 501.602. RULES ADOPTED UNDER COMPACT. The Psychology Interjurisdictional Compact Commission established under the Psychology Interjurisdictional Compact under Section 501.601 may not adopt rules that alter the requirements or scope of practice of a license issued under this chapter. Any rule adopted by the Psychology Interjurisdictional Compact Commission that purports to alter the requirements or scope of practice of a license issued under this chapter is not enforceable.

Sec. 501.603. DISCLOSURE OF PERSONAL INFORMATION. (a) In reporting information to the Coordinated Licensure Information System under Article IX of the Psychology Interjurisdictional Compact, the executive council may disclose personally identifiable information about a person who holds a license under this chapter, including the person's social security number.

(b) The Coordinated Licensure Information System may not share personally identifiable information with a state that is not a party to the compact unless the state agrees to not disclose that information to any other person.

SECTION 2.029. Sections 502.002(2) and (5), Occupations Code, are amended to read as follows:

(2) "Executive council" ["~~Commissioner~~"] means the Texas Behavioral Health Executive Council [~~commissioner of state health services~~].

(5) "Licensed marriage and family therapist associate" means an individual who offers to provide marriage and family therapy for compensation under the supervision of a [~~board-approved~~] supervisor approved by the executive council.

SECTION 2.030. The heading to Section 502.053, Occupations Code, is amended to read as follows:

Sec. 502.053. MEMBERSHIP [~~AND EMPLOYEE~~] RESTRICTIONS.

SECTION 2.031. Sections 502.053(b) and (c), Occupations Code, are amended to read as follows:

(b) A person may not be a member of the board [~~and may not be a department employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.)~~] if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health services; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of mental health.

(c) A person may not be a member of the board [~~or act as general counsel to the board or the department~~] if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the board.

SECTION 2.032. Section 502.056(c), Occupations Code, is amended to read as follows:

(c) If the executive director of the executive council has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and attorney general that a potential ground for removal exists.

SECTION 2.033. Section 502.059, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The training program must provide the person with information regarding:

- (1) the law governing board operations [~~this chapter~~];
- (2) the programs, [~~operated by the board;~~
~~(3) the role and~~] functions, [~~of the board;~~
~~(4) the~~] rules, and [~~of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;~~
~~(5) the current~~] budget of [~~for~~] the board;
- (3) the scope of and limitations on the rulemaking authority of the board;

(4) the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the board regulates, including any rule, interpretation, or enforcement action that:

(A) regulates the scope of practice of persons in a profession or business the board regulates;

(B) restricts advertising by persons in a profession or business the board regulates;

(C) affects the price of goods or services provided by persons in a profession or business the board regulates; or

(D) restricts participation in a profession or business the board regulates;

(5) ~~(6)~~ the results of the most recent formal audit of the board;

(6) ~~(7)~~ the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts ~~[conflict]~~ of interest; and

(B) other laws applicable to members of the board in performing their duties; and

(7) ~~(8)~~ any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(d) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each board member. Each member of the board shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 2.034. The heading to Subchapter D, Chapter 502, Occupations Code, is amended to read as follows:

SUBCHAPTER D. ~~[BOARD]~~ POWERS AND DUTIES

SECTION 2.035. Section 502.151, Occupations Code, is amended to read as follows:

Sec. 502.151. GENERAL POWERS AND DUTIES OF EXECUTIVE COUNCIL ~~[BOARD]~~. The executive council ~~[board]~~ shall:

(1) determine the qualifications and fitness of a license applicant under this chapter; and

(2) adopt a code of professional ethics for license holders.

SECTION 2.036. Subchapter D, Chapter 502, Occupations Code, is amended by adding Section 502.1515 to read as follows:

Sec. 502.1515. BOARD DUTIES. The board shall propose to the executive council:

(1) rules regarding:

(A) the qualifications necessary to obtain a license, including rules limiting an applicant's eligibility for a license based on the applicant's criminal history;

(B) the scope of practice of and standards of care and ethical practice for marriage and family therapy; and

(C) continuing education requirements for license holders; and
(2) a schedule of sanctions for violations of this chapter or rules
adopted under this chapter.

SECTION 2.037. Section 502.155, Occupations Code, is amended to read as follows:

Sec. 502.155. POWERS AND DUTIES REGARDING EXAMINATION. The executive council ~~[board]~~ shall:

- (1) determine the times and places for licensing examinations;
- (2) offer examinations at least semiannually; and
- (3) give reasonable public notice of the examinations in the manner provided by executive council ~~[board]~~ rules.

SECTION 2.038. Section 502.159, Occupations Code, is amended to read as follows:

Sec. 502.159. EX PARTE COMMUNICATION PROHIBITED. A ~~[board]~~ member of the executive council or board or an ~~[department]~~ employee of the executive council who ~~[performs functions for the board and who]~~ is assigned to make a decision, a finding of fact, or a conclusion of law in a proceeding pending before the executive council ~~[board]~~ may not directly or indirectly communicate with a party to the proceeding or the party's representative unless notice and an opportunity to participate are given to each party to the proceeding.

SECTION 2.039. Section 502.252, Occupations Code, is amended to read as follows:

Sec. 502.252. LICENSE APPLICATION. (a) An applicant for a license must:

- (1) file a written application with the executive council ~~[board]~~ on a form prescribed by the executive council ~~[board]~~; and

- (2) pay the appropriate application fee.

(b) To qualify for a license as a licensed marriage and family therapist associate, a person must:

- (1) be at least 18 years of age;
- (2) have completed a graduate internship in marriage and family therapy, or an equivalent internship, as approved by the executive council ~~[board]~~;

(3) pass the license examination and jurisprudence examination determined by the board;

(4) hold a master's or doctoral degree in marriage and family therapy or in a related mental health field with coursework and training determined by the executive council ~~[board]~~ to be substantially equivalent to a graduate degree in marriage and family therapy from a regionally accredited institution of higher education or an institution of higher education approved by the executive council ~~[board]~~;

- (5) ~~[be of good moral character;~~

~~[(6)]~~ have not been convicted of a felony or a crime involving moral turpitude;

~~[(6)]~~ ~~[(7)]~~ not use drugs or alcohol to an extent that affects the applicant's professional competency;

(7) ~~(6)~~ not have had a license or certification revoked by a licensing agency or by a certifying professional organization; and

(8) ~~(9)~~ not have engaged in fraud or deceit in applying for a license under this chapter.

(c) An applicant is eligible to apply for a license as a licensed marriage and family therapist if the person:

(1) meets the requirements of Subsection (b);

(2) after receipt of a degree described by Subsection (b)(4), has completed two years of work experience in marriage and family therapist services that includes at least 3,000 hours of clinical practice consisting of ~~[which:~~

~~(A) at least 1,500 hours [consist] of direct clinical services, including a minimum number of [; and~~

~~(B) at least 750] hours providing [consist of] direct clinical services to couples or families as required by executive council rule; and~~

(3) has completed, in a manner acceptable to the executive council ~~[board]~~, at least 200 hours of supervised provision of direct clinical services by the applicant, 100 hours of which must be supervised on an individual basis.

SECTION 2.040. Sections 502.253(a), (b), and (c), Occupations Code, are amended to read as follows:

(a) The executive council ~~[board]~~ shall investigate each application and any other information submitted by the applicant.

(b) Not later than the 90th day after the date the executive council ~~[board]~~ receives the completed application from a person seeking a license as a licensed marriage and family therapist associate, the executive council ~~[board]~~ shall notify the applicant whether the application has been accepted or rejected.

(c) An applicant for a license as a licensed marriage and family therapist associate is eligible to take the examination if the applicant:

(1) is enrolled in a graduate internship described by Section 502.252(b)(2) and provides proof to the executive council ~~[board]~~ that the applicant is a student in good standing in an educational program described by Section 502.252(b)(4); or

(2) has completed the internship described by Subdivision (1).

SECTION 2.041. Sections 502.254(b) and (d), Occupations Code, are amended to read as follows:

(b) An applicant for a license as a licensed marriage and family therapist associate under Section 502.252(b) must:

(1) file an application on a form prescribed by the executive council ~~[board]~~ not later than the 90th day before the date of the examination; and

(2) pay the examination fee ~~[set by the executive commissioner of the Health and Human Services Commission by rule]~~.

(d) The executive council ~~[board]~~ shall have any written portion of an examination validated by an independent testing professional.

SECTION 2.042. Section 502.2541, Occupations Code, is amended to read as follows:

Sec. 502.2541. JURISPRUDENCE EXAMINATION. (a) The board shall develop ~~[and administer at least twice each calendar year]~~ a jurisprudence examination to determine an applicant's knowledge of this chapter, ~~[board]~~ rules adopted under this chapter, and any other applicable laws of this state affecting the applicant's practice of marriage and family therapy. The executive council shall administer the examination at least twice each calendar year.

(b) The executive council ~~[board]~~ shall adopt rules to implement this section, including rules related to the development and administration of the examination, examination fees, guidelines for reexamination, grading the examination, and providing notice of examination results.

SECTION 2.043. Section 502.2545, Occupations Code, is amended to read as follows:

Sec. 502.2545. WAIVER OF EXAMINATION FOR CERTAIN APPLICANTS. (a) The executive council ~~[board]~~ may waive the requirement that an applicant for a license as a licensed marriage and family therapist pass the examination required by Section 502.254 if the applicant:

(1) is a provisional license holder under Section 502.259 and the executive council ~~[board]~~ determines that the applicant possesses sufficient education and professional experience to receive a license without further examination; or

(2) holds a license issued by another licensing agency in a profession related to the practice of marriage and family therapy and the executive council ~~[board]~~ determines that the applicant possesses sufficient education and professional experience to receive a license without satisfying the examination requirements of this chapter.

(b) The executive council ~~[board]~~ may adopt rules necessary to administer this section, including rules under Subsection (a)(2) prescribing the professions that are related to the practice of marriage and family therapy.

SECTION 2.044. Section 502.257, Occupations Code, is amended to read as follows:

Sec. 502.257. ISSUANCE OF LICENSE. The executive council ~~[board]~~ shall issue a license as a licensed marriage and family therapist associate or licensed marriage and family therapist, as appropriate, to an applicant who:

(1) complies with the requirements of this chapter;

(2) passes the licensing examination, unless the executive council ~~[board]~~ exempts the person from the examination requirement; and

(3) pays the required fees.

SECTION 2.045. Section 502.258(a), Occupations Code, is amended to read as follows:

(a) The executive council ~~[board]~~ by rule may provide for the issuance of a temporary license.

SECTION 2.046. Section 502.259, Occupations Code, is amended to read as follows:

Sec. 502.259. PROVISIONAL LICENSE. (a) The executive council ~~[board]~~ may grant a provisional license to practice as a marriage and family therapist in this state without examination to an applicant who is licensed or

otherwise registered as a marriage and family therapist by another state or jurisdiction if the requirements to be licensed or registered in the other state or jurisdiction were, on the date the person was licensed or registered, substantially equal to the requirements of this chapter.

(b) An applicant for a provisional license must:

(1) be licensed in good standing as a marriage and family therapist in another state or jurisdiction that has licensing requirements that are substantially equal to the requirements of this chapter;

(2) have passed a national or other examination that:

(A) is recognized by the executive council [~~board~~]; and

(B) relates to marriage and family therapy; and

(3) be sponsored by a person licensed by the executive council [~~board~~] with whom the provisional license holder may practice under this section.

(c) An applicant may be excused from the requirement of Subsection (b)(3) if the executive council [~~board~~] determines that compliance with that subsection constitutes a hardship to the applicant.

(d) A provisional license is valid until the date the executive council [~~board~~] approves or denies the provisional license holder's application for a license under Section 502.257. The executive council [~~board~~] shall complete processing of a provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued. The executive council [~~board~~] may extend this period to allow for the receipt and tabulation of pending examination results.

(e) The executive council [~~board~~] shall issue a license under Section 502.257 to a provisional license holder if:

(1) the provisional license holder passes the examination required by Section 502.254;

(2) the executive council [~~board~~] verifies that the provisional license holder satisfies the academic and experience requirements of this chapter; and

(3) the provisional license holder satisfies any other license requirements under this chapter.

SECTION 2.047. Sections 502.260(a), (b), and (d), Occupations Code, are amended to read as follows:

(a) The executive council [~~board~~] may place a license holder's license under this chapter on inactive status if the holder is not actively engaged in the practice of marriage and family therapy and the holder submits a written request to the executive council [~~board~~] before the expiration of the holder's license.

(b) The executive council [~~board~~] shall maintain a list of each license holder whose license is on inactive status.

(d) The executive council [~~board~~] shall remove the license holder's license from inactive status if the person:

(1) notifies the executive council [~~board~~] in writing that the person intends to return to active practice;

(2) pays an administrative fee; and

(3) complies with educational or other requirements the executive council [~~board~~] adopts by rule.

SECTION 2.048. Section 502.261(b), Occupations Code, is amended to read as follows:

(b) Each license holder shall notify the executive council ~~[board]~~ of the license holder's current address.

SECTION 2.049. Section 502.301(a), Occupations Code, is amended to read as follows:

(a) A license issued under this chapter is subject to biennial renewal. The executive council ~~[board]~~ shall adopt a system under which licenses expire on various dates during the year.

SECTION 2.050. The heading to Subchapter H, Chapter 502, Occupations Code, is amended to read as follows:

SUBCHAPTER H. DISCIPLINARY ACTIONS ~~[AND PROCEDURES]~~

SECTION 2.051. Section 502.351, Occupations Code, is amended to read as follows:

Sec. 502.351. GROUND FOR DISCIPLINARY ACTIONS. The executive council ~~[board]~~ shall take disciplinary action under Subchapter G, Chapter 507, against ~~[reprimand]~~ a license holder who ~~[-, place on probation a person whose license has been suspended, refuse to renew a person's license, or suspend or revoke a holder's license if the person]~~:

- (1) is convicted of a misdemeanor involving moral turpitude or a felony;
- (2) obtains or attempts to obtain a license by fraud or deception;
- (3) uses drugs or alcohol to an extent that affects the license holder's professional competence;
- (4) performs professional duties in a grossly negligent manner;
- (5) is adjudicated as mentally incompetent by a court;
- (6) practices in a manner that is detrimental to the public health or welfare;
- (7) advertises in a manner that tends to deceive or defraud the public;
- (8) has a license or certification revoked by a licensing agency or a certifying professional organization;
- (9) violates this chapter or a rule or code of ethics adopted under this chapter; or
- (10) commits an act for which liability exists under Chapter 81, Civil Practice and Remedies Code.

SECTION 2.052. Section 502.357, Occupations Code, is amended to read as follows:

Sec. 502.357. GROUND FOR REFUSING RENEWAL. The executive council ~~[board]~~ may refuse to renew the license of a person who fails to pay an administrative penalty imposed under Subchapter H, Chapter 507, ~~[+]~~ unless enforcement of the penalty is stayed or a court has ordered that the administrative penalty is not owed.

SECTION 2.053. Section 502.358, Occupations Code, is amended to read as follows:

Sec. 502.358. REFUND. (a) Subject to Subsection (b), the executive council [board] may order a license holder to pay a refund to a consumer as provided in an agreement resulting from an informal settlement conference instead of or in addition to imposing an administrative penalty under Subchapter H, Chapter 507 [this chapter].

(b) The amount of a refund ordered as provided in an agreement resulting from an informal settlement conference may not exceed the amount the consumer paid to the license holder for a service regulated by this chapter. The executive council [board] may not require payment of other damages or estimate harm in a refund order.

SECTION 2.054. The heading to Subchapter J, Chapter 502, Occupations Code, is amended to read as follows:

SUBCHAPTER J. CRIMINAL PENALTY ~~[OTHER PENALTIES AND ENFORCEMENT PROVISIONS]~~

SECTION 2.055. Section 503.002(2), Occupations Code, is amended to read as follows:

(2) "Executive council" [~~"Department"~~] means the Texas Behavioral Health Executive Council [Department of State Health Services].

SECTION 2.056. The heading to Section 503.104, Occupations Code, is amended to read as follows:

Sec. 503.104. MEMBERSHIP ~~[AND EMPLOYEE]~~ RESTRICTIONS.

SECTION 2.057. Sections 503.104(b) and (c), Occupations Code, are amended to read as follows:

(b) A person may not be a member of the board ~~[and may not be a department employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.)]~~ if:

(1) the person is an officer, employee, manager, or paid consultant of a Texas trade association in the field of health care; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of mental health.

(c) A person may not be a member of the board ~~[or act as the general counsel to the board or the department]~~ if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the board.

SECTION 2.058. Section 503.107(c), Occupations Code, is amended to read as follows:

(c) If the executive director of the executive council has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and attorney general that a potential ground for removal exists.

SECTION 2.059. Section 503.110, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing board operations;
 (2) [this chapter and] the [board's] programs, functions, rules, and budget of the board;

(3) the scope of and limitations on the rulemaking authority of the board;

(4) the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the board regulates, including any rule, interpretation, or enforcement action that:

(A) regulates the scope of practice of persons in a profession or business the board regulates;

(B) restricts advertising by persons in a profession or business the board regulates;

(C) affects the price of goods or services provided by persons in a profession or business the board regulates; or

(D) restricts participation in a profession or business the board regulates;

(5) ~~(2)~~ the results of the most recent formal audit of the board;

(6) ~~(3)~~ the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest [conflicts of interest]; and

(B) other laws applicable to members of the board in performing their duties; and

(7) ~~(4)~~ any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(d) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each board member. Each member of the board shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 2.060. The heading to Subchapter E, Chapter 503, Occupations Code, is amended to read as follows:

SUBCHAPTER E. ~~[BOARD]~~ POWERS AND DUTIES

SECTION 2.061. Section 503.201, Occupations Code, is amended to read as follows:

Sec. 503.201. GENERAL POWERS AND DUTIES OF EXECUTIVE COUNCIL. (a) The executive council [board] shall:

(1) determine the qualifications and fitness of an applicant for a license, license renewal, or provisional license;

(2) examine for, deny, approve, issue, revoke, suspend, suspend on an emergency basis, place on probation, and renew the license of an applicant or license holder under this chapter;

(3) adopt and publish a code of ethics; and

(4) by rule adopt a list of authorized counseling methods or practices that a license holder may undertake or perform~~[-and~~

~~[(5) adopt an official seal].~~

(b) The executive council ~~[board]~~ may request and shall receive the assistance of a state educational institution or other state agency.

SECTION 2.062. Subchapter E, Chapter 503, Occupations Code, is amended by adding Section 503.2015 to read as follows:

Sec. 503.2015. BOARD DUTIES. The board shall propose to the executive council:

(1) rules regarding:

(A) the qualifications necessary to obtain a license, including rules limiting an applicant's eligibility for a license based on the applicant's criminal history;

(B) the scope of practice of and standards of care and ethical practice for professional counseling; and

(C) continuing education requirements for license holders; and

(2) a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

SECTION 2.063. Section 503.302, Occupations Code, is amended to read as follows:

Sec. 503.302. QUALIFICATIONS FOR LICENSE. (a) A person qualifies for a license under this chapter if the person:

(1) is at least 18 years old;

(2) has a master's or doctoral degree in counseling or a related field;

(3) has successfully completed a graduate degree at a regionally accredited institution of higher education and the number of graduate semester hours required by executive council ~~[board]~~ rule, which may not be less than 48 hours and must include 300 clock hours of supervised practicum that:

(A) is primarily counseling in nature; and

(B) meets the specific academic course content and training standards established by the executive council ~~[board]~~;

(4) has completed the number of supervised experience hours required by executive council ~~[board]~~ rule, which may not be less than 3,000 hours working in a counseling setting that meets the requirements established by the executive council ~~[board]~~ after the completion of the graduate program described by Subdivision (3);

(5) ~~[except as provided by Subsection (b);]~~ passes the license examination and jurisprudence examination required by this chapter;

(6) submits an application as required by the executive council ~~[board]~~, accompanied by the required application fee; and

(7) meets any other requirement prescribed by the executive council ~~[board]~~.

(b) ~~((d))~~ In establishing the standards described by Subsection (a)(3)(B), the executive council ~~[board]~~ shall review and consider the standards as developed by the appropriate professional association.

(c) ~~((e))~~ The executive council ~~[board]~~ may require the statements on a license application to be made under oath.

SECTION 2.064. Subchapter G, Chapter 503, Occupations Code, is amended by adding Section 503.3025 to read as follows:

Sec. 503.3025. EXPERIENCE REQUIRED TO ACT AS SUPERVISOR.
The executive council shall allow a license holder who has practiced as a licensed counselor in another state to count that out-of-state experience toward any experience that the license holder is required by executive council rule to obtain to act as a supervisor under this chapter if the executive council determines that the other state has license requirements substantially equivalent to the requirements of this chapter.

SECTION 2.065. Section 503.303(b), Occupations Code, is amended to read as follows:

(b) The executive council ~~[board]~~ shall accept an individual course from an art therapy program accredited through the American Art Therapy Association as satisfying the education requirements under Section 503.302(a)(3) if at least 75 percent of the course content is substantially equivalent to the content of a course required by executive council ~~[board]~~ rule.

SECTION 2.066. Section 503.304, Occupations Code, is amended to read as follows:

Sec. 503.304. REVIEW OF APPLICATION. (a) Not later than the 30th day before the examination date, after investigation of a license application and review of other evidence submitted, the executive council ~~[board]~~ shall notify the applicant that the application and evidence submitted are:

- (1) satisfactory and accepted; or
- (2) unsatisfactory and rejected.

(b) If the executive council ~~[board]~~ rejects an application, the executive council ~~[board]~~ shall state in the notice the reasons for the rejection.

SECTION 2.067. Section 503.305, Occupations Code, is amended to read as follows:

Sec. 503.305. LICENSE EXAMINATION. (a) The executive council ~~[board]~~ shall administer examinations to determine the competence of qualified applicants at least twice each calendar year.

(b) The executive council ~~[board]~~ shall contract with a nationally recognized testing organization to develop and administer a written professional counselor licensing examination to applicants who apply for a license under this chapter.

SECTION 2.068. Section 503.3055, Occupations Code, is amended to read as follows:

Sec. 503.3055. JURISPRUDENCE EXAMINATION. (a) The board shall develop ~~[and administer at least twice each calendar year]~~ a jurisprudence examination to determine an applicant's knowledge of this chapter, executive

council [board] rules, and any other applicable laws of this state affecting the applicant's professional counseling practice. The executive council shall administer the examination at least twice each calendar year.

(b) The executive council [board] shall adopt rules to implement this section, including rules related to the development and administration of the examination, examination fees, guidelines for reexamination, grading the examination, and providing notice of examination results.

SECTION 2.069. Section 503.308, Occupations Code, is amended to read as follows:

Sec. 503.308. TEMPORARY LICENSE. (a) The executive council [board] by rule may provide for the issuance of a temporary license. Rules adopted under this subsection must provide a time limit for the period a temporary license is valid.

(b) The executive council [board] by rule may adopt a system under which a temporary license may be issued to a person who:

(1) meets all of the academic requirements for licensing; and

(2) enters into a supervisory agreement with a supervisor approved by the executive council [board].

SECTION 2.070. Sections 503.310(a), (c), and (d), Occupations Code, are amended to read as follows:

(a) On application and payment of applicable fees, the executive council [board] may issue a provisional license to a person who holds a license as a counselor or art therapist issued by another state or by a jurisdiction acceptable to the executive council [board].

(c) An applicant is not required to comply with Subsection (b)(3) if the executive council [board] determines that compliance with that subsection is a hardship to the applicant.

(d) A provisional license is valid until the date the executive council [board] approves or denies the provisional license holder's application for a license under Section 503.311.

SECTION 2.071. Section 503.311, Occupations Code, is amended to read as follows:

Sec. 503.311. ISSUANCE OF LICENSE TO PROVISIONAL LICENSE HOLDER. (a) The executive council [board] shall issue a license to the holder of a provisional license who applies for a license if:

(1) the executive council [board] verifies that the applicant has the academic and experience requirements for a regular license under this chapter; and

(2) the applicant satisfies any other license requirements under this chapter.

(b) The executive council [board] must complete the processing of a provisional license holder's application for a license not later than the later of:

(1) the 180th day after the date the provisional license is issued; or

(2) the date licenses are issued following completion of the next licensing and jurisprudence examinations [examination].

SECTION 2.072. Sections 503.312(a) and (c), Occupations Code, are amended to read as follows:

(a) On request of a person licensed under this chapter, the executive council [~~board~~] shall place the person's license on inactive status.

(c) A person whose license is inactive may apply to reactivate the license. The executive council [~~board~~] shall reactivate the license if the applicant:

- (1) pays a license fee;
- (2) is not in violation of this chapter when the applicant applies to reactivate the license; and
- (3) fulfills the requirements provided by executive council [~~board~~] rule for the holder of an inactive license.

SECTION 2.073. Section 503.313, Occupations Code, is amended to read as follows:

Sec. 503.313. RETIREMENT STATUS. The executive council [~~board~~] by rule may adopt a system for placing a person licensed under this chapter on retirement status.

SECTION 2.074. Section 503.314(b), Occupations Code, is amended to read as follows:

(b) A license certificate issued by the executive council [~~board~~] is the property of the executive council [~~board~~] and must be surrendered on demand.

SECTION 2.075. Section 503.351, Occupations Code, is amended to read as follows:

Sec. 503.351. RENEWAL; ELIGIBILITY. A person licensed under this chapter may renew the license biennially if the person:

- (1) is not in violation of this chapter when the person applies for renewal; and
- (2) fulfills the continuing education requirements established by the executive council [~~board~~].

SECTION 2.076. Section 503.352, Occupations Code, is amended to read as follows:

Sec. 503.352. LICENSE EXPIRATION DATE. The executive council [~~board~~] shall adopt a system under which licenses expire on various dates during the year. On renewal of the license on the expiration date, the total license renewal fee is payable.

SECTION 2.077. Section 503.353, Occupations Code, is amended to read as follows:

Sec. 503.353. NOTICE OF LICENSE EXPIRATION. Not later than the 30th day before the expiration date of a person's license, the executive council [~~board~~] shall send written notice of the impending license expiration to the person at the person's last known address according to the executive council's [~~board's~~] records.

SECTION 2.078. The heading to Subchapter I, Chapter 503, Occupations Code, is amended to read as follows:

SUBCHAPTER I. DISCIPLINARY ACTIONS [~~PROCEDURES~~]

SECTION 2.079. Section 503.401(a), Occupations Code, is amended to read as follows:

(a) A person licensed under this chapter is subject to disciplinary action under Subchapter G, Chapter 507, [this section] if the person:

(1) violates this chapter or a rule or code of ethics adopted under this chapter ~~[by the board]~~;

(2) commits an act for which the license holder would be liable under Chapter 81, Civil Practice and Remedies Code;

(3) is legally committed to an institution because of mental incompetence from any cause; or

(4) directly or indirectly offers to pay or agrees to accept remuneration to or from any person for securing or soliciting a patient or patronage.

SECTION 2.080. Section 503.407, Occupations Code, is amended to read as follows:

Sec. 503.407. REFUND. (a) Subject to Subsection (b), the executive council ~~[board]~~ may order a license holder to pay a refund to a consumer as provided in an agreement resulting from an informal settlement conference instead of or in addition to imposing an administrative penalty under Subchapter H, Chapter 507 ~~[this chapter]~~.

(b) The amount of a refund ordered as provided in an agreement resulting from an informal settlement conference may not exceed the amount the consumer paid to the license holder for a service regulated by this chapter. The executive council ~~[board]~~ may not require payment of other damages or estimate harm in a refund order.

SECTION 2.081. Section 503.453, Occupations Code, is amended to read as follows:

Sec. 503.453. REPORT OF ALLEGED OFFENSE. The executive council ~~[board]~~ shall notify the appropriate prosecuting attorney of an alleged offense committed under this chapter.

SECTION 2.082. Section 505.002, Occupations Code, is amended to read as follows:

Sec. 505.002. DEFINITIONS. In this chapter:

(1) ~~[(2)]~~ "Board" means the Texas State Board of Social Worker Examiners.

(2) ~~[(3)]~~ "Council on Social Work Education" means the national organization that is primarily responsible for the accreditation of schools of social work in the United States or its successor approved by the executive council ~~[board]~~.

(3) "Executive council" means the Texas Behavioral Health Executive Council.

(4) ~~["Department" means the Department of State Health Services.~~

~~[(4-a)]~~ "Licensed baccalaureate social worker" means a person who holds a baccalaureate social worker license issued ~~[by the board]~~ under this chapter.

(5) ~~[(4-b)]~~ "Licensed clinical social worker" means a person who holds a clinical social worker license issued ~~[by the board]~~ under this chapter.

(6) ~~[(5)]~~ "Licensed master social worker" means a person who holds a master social worker license issued ~~[by the board]~~ under this chapter.

(7) ~~(6)~~ "Licensed social worker" means a person who holds a social worker license issued ~~[by the board]~~ under this chapter.

(8) ~~(9)~~ "Social worker" means a person who holds any license issued ~~[by the board]~~ under this chapter.

SECTION 2.083. Section 505.102(b), Occupations Code, is amended to read as follows:

(b) A person is not eligible for appointment as a public member of the board if:

(1) the person is registered, certified, or licensed by an occupational regulatory agency in the field of health care;

(2) the person's spouse is registered, certified, or licensed by an occupational regulatory agency in the field of mental health; or

(3) the person or the person's spouse:

(A) is employed by or participates in the management of a business entity or other organization regulated by or receiving funds from the board or executive council ~~[department]~~;

(B) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving funds from the board or executive council ~~[department]~~; or

(C) uses or receives a substantial amount of tangible goods, services, or funds from the board or executive council ~~[department]~~, other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

SECTION 2.084. The heading to Section 505.103, Occupations Code, is amended to read as follows:

Sec. 505.103. MEMBERSHIP ~~[AND EMPLOYEE]~~ RESTRICTIONS.

SECTION 2.085. Sections 505.103(b) and (c), Occupations Code, are amended to read as follows:

(b) A person may not be a member of the board ~~[and may not be an employee of the department employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.)]~~ if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health care; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of mental health.

(c) A person may not be a member of the board ~~[or act as general counsel to the board or the department]~~ if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the board.

SECTION 2.086. Section 505.109, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing ~~[legislation that created the]~~ board operations;

(2) ~~and~~ the ~~board's~~ programs, functions, rules, and budget of the board;

(3) the scope of and limitations on the rulemaking authority of the board;

(4) the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the board regulates, including any rule, interpretation, or enforcement action that:

(A) regulates the scope of practice of persons in a profession or business the board regulates;

(B) restricts advertising by persons in a profession or business the board regulates;

(C) affects the price of goods or services provided by persons in a profession or business the board regulates; or

(D) restricts participation in a profession or business the board regulates;

(5) ~~(2)~~ the results of the most recent formal audit of the board;

(6) ~~(3)~~ the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and

(B) other laws applicable to members of the board in performing their duties; and

(7) ~~(4)~~ any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(d) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each board member. Each member of the board shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 2.087. Section 505.201, Occupations Code, is amended to read as follows:

Sec. 505.201. GENERAL RULEMAKING AND ENFORCEMENT AUTHORITY OF EXECUTIVE COUNCIL. (a) The executive council ~~board~~ may:

(1) adopt and enforce rules necessary to perform the executive council's ~~board's~~ duties under this chapter;

(2) establish standards of conduct and ethics for license holders; and

(3) ensure strict compliance with and enforcement of this chapter.

(b) ~~In adopting rules under this section, the board shall consider the rules and procedures of the department. The board shall adopt procedural rules, which may not be inconsistent with similar rules and procedures of the department.~~

~~(c)~~ The executive council ~~board~~ by rule may define a term not defined under Section 505.002 if a definition is necessary to administer or enforce this chapter.

(c) ~~(e)~~ For each type of license issued under this chapter, the executive council ~~[board]~~ shall establish:

- (1) the minimum eligibility requirements;
- (2) educational requirements;
- (3) professional experience criteria;
- (4) supervision requirements; and
- (5) independent practice criteria.

(d) ~~(f)~~ The executive council ~~[board]~~ shall establish procedures for recognition of independent practice.

SECTION 2.088. Subchapter D, Chapter 505, Occupations Code, is amended by adding Section 505.2015 to read as follows:

Sec. 505.2015. BOARD DUTIES. The board shall propose to the executive council:

(1) rules regarding:

(A) the qualifications necessary to obtain a license or order of recognition of specialty, including rules limiting an applicant's eligibility for a license or order based on the applicant's criminal history;

(B) the scope of practice of and standards of care and ethical practice for social work; and

(C) continuing education requirements for license holders or holders of orders of recognition of specialty; and

(2) a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

SECTION 2.089. Section 505.206, Occupations Code, is amended to read as follows:

Sec. 505.206. ROSTER OF INDEPENDENT SOCIAL WORKERS. The executive council ~~[board]~~ shall publish a roster of persons recognized under Section 505.307 as qualified for the independent practice of social work.

SECTION 2.090. Section 505.301, Occupations Code, is amended to read as follows:

Sec. 505.301. ESTABLISHMENT OF SPECIALTY AREA. (a) The executive council ~~[board]~~ may establish within the scope of social work practice and this chapter specialty areas of social work for license holders under this chapter who are licensed in good standing if establishment of the specialty areas:

(1) is necessary to promote the public interest; and

(2) assists the public in identifying qualified persons in a social work practice specialty.

(b) The executive council ~~[board]~~ may not authorize a specialty area within the practice of social work unless the executive council ~~[board]~~ sets the minimum qualifications for social work practice with appropriate supervision and examination, as determined by the executive council ~~[board]~~.

(c) The executive council ~~[board]~~ may not establish a specialty area of social work or a specialty area identification that conflicts with a state licensing law.

SECTION 2.091. Section 505.302(a), Occupations Code, is amended to read as follows:

(a) In establishing a specialty area of social work, the executive council [board] shall:

- (1) define the scope of the specialty;
- (2) establish qualifications for specialty area practitioners that describe, in accordance with Subdivision (1), the scope of the specialty area;
- (3) adopt rules of conduct to ensure strict compliance with and enforcement of this chapter; and
- (4) adopt rules for the suspension or revocation of an order of recognition of specialty.

SECTION 2.092. Sections 505.303(a) and (c), Occupations Code, are amended to read as follows:

(a) The executive council [board] shall establish a specialty area for the practice of clinical social work that is available only to a licensed master social worker who satisfies the minimum number of years of active social work practice with appropriate supervision and clinical examination, as determined by the executive council [board].

(c) For purposes of Subchapter C, Chapter 1451, Insurance Code:

(1) a person recognized as qualified for the independent practice of clinical social work may use the title "Licensed Clinical Social Worker" or another title approved by the executive council [board]; and

(2) a [board-approved] title approved by the executive council under this subsection has the same meaning and effect as the title "Licensed Clinical Social Worker."

SECTION 2.093. Section 505.304, Occupations Code, is amended to read as follows:

Sec. 505.304. ORDER OF RECOGNITION OF SPECIALTY. (a) The executive council [board] shall prescribe the name, design, and content of an order of recognition of specialty.

(b) An order of recognition of specialty must:

- (1) state the full name of the person recognized in the order; and
- (2) state the official specialty serial number [;
- ~~(3) include the presiding officer's signature; and~~
- ~~(4) include the board's official seal].~~

SECTION 2.094. Section 505.305, Occupations Code, is amended to read as follows:

Sec. 505.305. RECOGNITION OF SPECIALTY; ISSUANCE OF ORDER.

(a) The executive council [board] shall recognize a social worker as qualified for the practice of a specialty area of social work if the social worker satisfies the recognition requirements established by the executive council [board] and the executive council [board] determines that the person is worthy of the public trust in performing services within the scope of the specialty area.

(b) The executive council [board] shall issue an order of recognition of specialty to a social worker who is recognized as qualified for the practice of a specialty area of social work. The order of recognition of specialty evidences the state's recognition of the social worker as a specialty social work practitioner under the identification or title designated by the executive council [board].

SECTION 2.095. Section 505.306, Occupations Code, is amended to read as follows:

Sec. 505.306. PROHIBITED USE OF SPECIALTY AREA IDENTIFICATION OR TITLE. If the executive council [board] establishes a specialty area of social work, a social worker may not use the specialty area identification or title designated by the executive council [board] unless the person is recognized as qualified for the practice of the specialty area under this chapter.

SECTION 2.096. Section 505.307, Occupations Code, is amended to read as follows:

Sec. 505.307. INDEPENDENT PRACTICE RECOGNITION; MINIMUM QUALIFICATIONS. (a) The executive council [board] shall establish procedures for recognizing a social worker qualified for the independent practice of social work.

(b) A social worker may not be recognized as qualified for the independent practice of social work unless the person satisfies the requirements of social work education, experience, and supervision as determined by the executive council [board].

SECTION 2.097. Section 505.352, Occupations Code, is amended to read as follows:

Sec. 505.352. LICENSE APPLICATION. A person may apply for a license under this chapter by submitting an application to the executive council [board]. The application must:

- (1) be on a form prescribed by the executive council [board]; and
- (2) contain statements made under oath regarding the applicant's education and experience and any other information required by the executive council [board] that qualifies the applicant for a license.

SECTION 2.098. Section 505.353, Occupations Code, is amended to read as follows:

Sec. 505.353. ELIGIBILITY. (a) To be eligible for a license under this chapter, an applicant must:

- (1) be at least 18 years of age;
- (2) be worthy of the public trust and confidence;
- (3) satisfy the education and experience requirements under this section; and
- (4) pass the licensing examination conducted by the executive council [board] under Section 505.354 and the jurisprudence examination conducted by the executive council [board] under Section 505.3545.

(b) An applicant may take the licensing examination conducted by the executive council [board] under Section 505.354 for:

- (1) a master social worker license if the applicant possesses a doctoral or master's degree in social work from a graduate program that is accredited by or is in candidacy for accreditation by the Council on Social Work Education;

(2) a baccalaureate social worker license if the applicant possesses a baccalaureate degree in social work from an educational program that is accredited by or is in candidacy for accreditation by the Council on Social Work Education; or

(3) a clinical social worker license if the applicant possesses a doctoral or master's degree in social work from an accredited graduate program approved by the executive council ~~[board]~~ and meets the qualifications for clinical social work practice as determined by the executive council ~~[board]~~ under this chapter.

(c) The executive council ~~[board]~~ may require an applicant to submit documentary evidence of the quality, scope, and nature of the applicant's experience and competence to:

(1) determine the credibility and acceptability of the applicant's professional or technical experience or competence; and

(2) ensure the public safety, health, and welfare.

SECTION 2.099. Sections 505.354(a), (b), and (e), Occupations Code, are amended to read as follows:

(a) The board~~[, at least once each calendar year,]~~ shall prepare ~~[and administer]~~ an examination to assess an applicant's qualifications for a license under this chapter. The executive council shall administer the examination at least once each calendar year.

(b) Each license examination shall be conducted in a manner that is determined by the executive council ~~[board]~~ and is fair and impartial to each applicant and school or system of social work.

(e) The executive council ~~[board]~~ shall have the written portion of the examination, if any, validated by an independent testing entity.

SECTION 2.100. Section 505.3545, Occupations Code, is amended to read as follows:

Sec. 505.3545. JURISPRUDENCE EXAMINATION. (a) The board shall develop ~~[and administer at least twice each calendar year]~~ a jurisprudence examination to determine an applicant's knowledge of this chapter, ~~[board]~~ rules adopted under this chapter, and any other applicable laws of this state affecting the applicant's social work practice. The executive council shall administer the examination at least twice each calendar year.

(b) The executive council ~~[board]~~ shall adopt rules to implement this section, including rules related to the development and administration of the examination, examination fees, guidelines for reexamination, grading the examination, and providing notice of examination results.

SECTION 2.101. Section 505.357(a), Occupations Code, is amended to read as follows:

(a) The executive council ~~[board]~~ shall issue a temporary license to an applicant who:

(1) has not taken the licensing examination under Section 505.354 or the jurisprudence examination under Section 505.3545; and

(2) satisfies the requirements for obtaining a license under this chapter other than passing the licensing and jurisprudence examinations.

SECTION 2.102. Section 505.3575, Occupations Code, is amended to read as follows:

Sec. 505.3575. ISSUANCE OF LICENSES TO CERTAIN OUT-OF-STATE APPLICANTS. (a) Notwithstanding any other licensing requirement of this subchapter:

(1) the executive council [board] may not require an applicant who is licensed in good standing in another state to pass a licensing examination conducted by the executive council [board] under Section 505.354 if an applicant with substantially equivalent experience who resides in this state would not be required to take the licensing examination; and

(2) the executive council [board] may issue a license to an applicant who is currently licensed in another state to independently practice social work if:

(A) after an assessment, the executive council [board] determines that the applicant:

(i) demonstrates sufficient experience and competence;

(ii) has passed the jurisprudence examination conducted by the executive council [board] under Section 505.3545; and

(iii) at the time of the application, is in good standing with the regulatory agency of the state in which the applicant is licensed; and

(B) the applicant presents to the executive council [board] credentials that the applicant obtained from a national accreditation organization and the executive council [board] determines that the requirements to obtain the credentials are sufficient to minimize any risk to public safety.

(b) When assessing the experience and competence of an applicant for the purposes of this section, the executive council [board] may take into consideration any supervision received by the applicant in another state or jurisdiction if the executive council [board] determines that the supervision would be taken into consideration for the purpose of licensing or certification in the state or jurisdiction in which the applicant received the supervision.

SECTION 2.103. Section 505.358, Occupations Code, is amended to read as follows:

Sec. 505.358. PROVISIONAL LICENSE. (a) A person may apply for a provisional license as a social worker by paying the appropriate fee and filing an application with the executive council [board]. The executive council [board] may issue a provisional license to a person who meets the requirements of this section.

(b) An applicant for a provisional license must:

(1) be licensed or certified in good standing as a social worker in another state or jurisdiction that has licensing or certification requirements determined by the executive council [board] to be substantially equivalent to the requirements of this chapter;

(2) have passed a national or other examination recognized by the executive council [board] relating to the practice of social work; and

(3) be sponsored by a person licensed under this chapter with whom the provisional license holder may practice social work.

(c) An applicant is not required to comply with Subsection (b)(3) if the executive council ~~[board]~~ determines that compliance constitutes a hardship to the applicant.

(d) A provisional license is valid until the date the executive council ~~[board]~~ approves or denies the provisional license holder's application for a license under Section 505.359.

SECTION 2.104. Section 505.359, Occupations Code, is amended to read as follows:

Sec. 505.359. ISSUANCE OF LICENSE TO PROVISIONAL LICENSE HOLDER. (a) The executive council ~~[board]~~ shall issue an appropriate license to a provisional license holder:

(1) who passes the licensing examination under Section 505.354 and the jurisprudence examination under Section 505.3545;

(2) for whom the executive council ~~[board]~~ verifies that the person satisfies the academic and experience requirements under Section 505.353; and

(3) who satisfies any other license requirements under this chapter.

(b) The executive council ~~[board]~~ shall complete the processing of a provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued or the date licenses are issued after successful completion of the next licensing and jurisprudence examinations, whichever date is later.

(c) The executive council ~~[board]~~ may waive a license requirement for an applicant who is licensed or certified in another state if this state has entered into a reciprocity agreement with that state.

SECTION 2.105. Section 505.401(a-1), Occupations Code, is amended to read as follows:

(a-1) The executive council ~~[board]~~ by rule shall adopt a system under which licenses and orders of recognition of specialty expire on various dates during the year.

SECTION 2.106. Section 505.405, Occupations Code, is amended to read as follows:

Sec. 505.405. GROUNDS FOR REFUSING RENEWAL. The executive council ~~[board]~~ may refuse to renew the license of a person who fails to pay an administrative penalty imposed under Subchapter H, Chapter 507, ~~[K]~~ unless enforcement of the penalty is stayed or a court has ordered that the administrative penalty is not owed.

SECTION 2.107. The heading to Subchapter I, Chapter 505, Occupations Code, is amended to read as follows:

SUBCHAPTER I. ~~[DENIAL OF LICENSE OR ORDER AND]~~ DISCIPLINARY ACTION ~~[PROCEDURES]~~

SECTION 2.108. Section 505.451, Occupations Code, is amended to read as follows:

Sec. 505.451. GROUNDS FOR ~~[DENIAL OF LICENSE OR ORDER OF RECOGNITION OF SPECIALTY;]~~ DISCIPLINARY ACTION. The executive council ~~[board]~~ shall take disciplinary action under Subchapter G, Chapter 507, against a person ~~[deny an application for a license or order of recognition of]~~

~~specialty and shall revoke or suspend, including a suspension on an emergency basis, a license or order, place a holder of a license or order that has been suspended on probation, refuse to renew a person's license, or reprimand a holder of a license or order]~~ for:

(1) violating this chapter or a rule adopted ~~[by the board]~~ under this chapter;

(2) circumventing or attempting to circumvent the requirements of this chapter or a rule adopted ~~[by the board]~~ under this chapter;

(3) directly or indirectly participating in a scheme to evade the requirements of this chapter or a rule adopted ~~[by the board]~~ under this chapter;

(4) engaging in unethical conduct;

(5) engaging in conduct that discredits or tends to discredit the social work profession;

(6) performing an act, allowing an omission, or making an assertion or representation that is fraudulent, deceitful, or misleading or that tends to create a misleading impression;

(7) knowingly associating with or permitting the use of a license holder's professional services or identification in connection with an enterprise that the person knows or should have known in the exercise of reasonable diligence violates this chapter or a rule adopted ~~[by the board]~~ under this chapter;

(8) knowingly associating with or permitting the use of a license holder's name, professional services or identification, or endorsement in connection with an enterprise that the person knows or should have known in the exercise of reasonable diligence is a trade, business, or professional practice of a fraudulent, deceitful, or misleading nature;

(9) directly or indirectly revealing or causing to be revealed a confidential communication transmitted to the license holder by a client or other recipient of the license holder's services unless revealing the communication is required by law;

(10) having been denied an application for a license or certificate to practice social work in another jurisdiction for a reason that the executive council ~~[board]~~ determines would be a violation of this chapter or a rule adopted ~~[by the board]~~ under this chapter;

(11) holding a license or certificate in another jurisdiction that is suspended or revoked for a reason that the executive council ~~[board]~~ determines would be a violation of this chapter or a rule adopted ~~[by the board]~~ under this chapter;

(12) having been convicted of a felony in this state, another state, or the United States;

(13) refusing to perform an act or service within the scope of the license holder's license solely because of the recipient's age, sex, race, religion, national origin, color, or political affiliation; or

(14) committing an act for which liability exists under Chapter 81, Civil Practice and Remedies Code.

SECTION 2.109. Section 505.454(a), Occupations Code, is amended to read as follows:

(a) A person who holds an expired license or order of recognition of specialty under this chapter is subject to a sanction under this chapter if the executive council ~~[board]~~ determines that the person violated this chapter or a rule adopted ~~[by the board]~~ under this chapter during the period in which the license or order was valid.

SECTION 2.110. Section 505.458, Occupations Code, is amended to read as follows:

Sec. 505.458. REFUND. (a) Subject to Subsection (b), the executive council ~~[board]~~ may order a license holder to pay a refund to a consumer as provided in an agreement resulting from an informal settlement conference instead of or in addition to imposing an administrative penalty under this chapter.

(b) The amount of a refund ordered as provided in an agreement resulting from an informal settlement conference may not exceed the amount the consumer paid to the license holder for a service regulated by this chapter. The executive council ~~[board]~~ may not require payment of other damages or estimate harm in a refund order.

SECTION 2.111. Section 505.505, Occupations Code, is amended to read as follows:

Sec. 505.505. APPEAL BOND NOT REQUIRED. The executive council ~~[board or department]~~ is not required to post an appeal bond in any action arising under this chapter.

SECTION 2.112. Section 505.506, Occupations Code, is amended to read as follows:

Sec. 505.506. REPRESENTATION BY ATTORNEY GENERAL. The attorney general shall represent the executive council ~~[board or department]~~ in an action brought to enforce this chapter.

SECTION 2.113. The following provisions of the Occupations Code are repealed:

- (1) Section 501.002(3);
- (2) Section 501.005;
- (3) Subchapter C, Chapter 501;
- (4) Sections 501.151(a) and (b);
- (5) Section 501.152;
- (6) Section 501.154;
- (7) Section 501.156;
- (8) Section 501.157;
- (9) Section 501.160;
- (10) Section 501.161;
- (11) Section 501.162;
- (12) Subchapter E, Chapter 501;
- (13) Sections 501.252(b), (c), and (d);
- (14) Section 501.254;
- (15) Sections 501.256(e), (f), and (g);
- (16) Section 501.2561;
- (17) Section 501.257;
- (18) Section 501.258;

- (19) Section 501.261(b);
- (20) Section 501.302;
- (21) Section 501.303;
- (22) Section 501.304;
- (23) Section 501.402;
- (24) Section 501.403;
- (25) Section 501.404;
- (26) Section 501.405;
- (27) Section 501.406;
- (28) Section 501.409;
- (29) Section 501.410;
- (30) Subchapter J, Chapter 501;
- (31) Section 501.501;
- (32) Section 501.502;
- (33) Section 501.504;
- (34) Section 502.002(3);
- (35) Section 502.003;
- (36) Subchapter C, Chapter 502;
- (37) Section 502.152;
- (38) Section 502.153;
- (39) Section 502.154;
- (40) Section 502.156;
- (41) Section 502.1565;
- (42) Section 502.157;
- (43) Section 502.158;
- (44) Section 502.161;
- (45) Section 502.162;
- (46) Section 502.163;
- (47) Subchapter E, Chapter 502;
- (48) Section 502.255;
- (49) Section 502.256;
- (50) Sections 502.301(b), (c), (d), and (e);
- (51) Section 502.302;
- (52) Section 502.303;
- (53) Section 502.352;
- (54) Section 502.353;
- (55) Section 502.354;
- (56) Section 502.355;
- (57) Section 502.356;
- (58) Subchapter I, Chapter 502;
- (59) Section 502.451;
- (60) Section 502.452;
- (61) Section 502.453;
- (62) Section 502.455;
- (63) Section 503.005;
- (64) Subchapter D, Chapter 503;

- (65) Section 503.202;
- (66) Section 503.203;
- (67) Section 503.204;
- (68) Section 503.2045;
- (69) Section 503.205;
- (70) Section 503.207;
- (71) Section 503.209;
- (72) Section 503.210;
- (73) Section 503.211;
- (74) Subchapter F, Chapter 503;
- (75) Section 503.306;
- (76) Section 503.307;
- (77) Section 503.354;
- (78) Section 503.355;
- (79) Section 503.356;
- (80) Sections 503.401(b), (c), and (d);
- (81) Section 503.402;
- (82) Section 503.403;
- (83) Section 503.404;
- (84) Section 503.405;
- (85) Section 503.406;
- (86) Section 503.451;
- (87) Section 503.454;
- (88) Subchapter K, Chapter 503;
- (89) Section 505.005;
- (90) Section 505.110;
- (91) Subchapter C, Chapter 505;
- (92) Section 505.202;
- (93) Section 505.203;
- (94) Section 505.204;
- (95) Section 505.205;
- (96) Section 505.209;
- (97) Section 505.210;
- (98) Section 505.211;
- (99) Subchapter E, Chapter 505;
- (100) Section 505.355;
- (101) Section 505.356;
- (102) Section 505.402;
- (103) Section 505.403;
- (104) Section 505.404;
- (105) Section 505.452;
- (106) Section 505.453;
- (107) Section 505.454(b);
- (108) Section 505.455;
- (109) Section 505.456;
- (110) Section 505.457;

- (111) Section 505.501;
- (112) Section 505.503;
- (113) Section 505.504;
- (114) Section 505.508; and
- (115) Subchapter K, Chapter 505.

ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.001. Article 66.104(a), Code of Criminal Procedure, is amended to read as follows:

(a) The Texas Medical Board, the Texas Department of Licensing and Regulation, only with respect to a person licensed under Chapter 202, Occupations Code [~~State Board of Podiatric Medical Examiners~~], the State Board of Dental Examiners, the Texas State Board of Pharmacy, the Texas Behavioral Health Executive Council, only with respect to a person licensed under Chapter 501, Occupations Code [~~State Board of Examiners of Psychologists~~], and the State Board of Veterinary Medical Examiners shall provide to the Department of Public Safety through electronic means, magnetic tape, or disk, as specified by the department, a list of each person licensed by the respective agency, including the person's name and date of birth and any other personal descriptive information required by the department. Each agency shall update the information and submit the updated information quarterly to the department.

SECTION 3.002. Section 411.122(d), Government Code, is amended to read as follows:

(d) The following state agencies are subject to this section:

- (1) Texas Appraiser Licensing and Certification Board;
- (2) Texas Board of Architectural Examiners;
- (3) Texas Board of Chiropractic Examiners;
- (4) State Board of Dental Examiners;
- (5) Texas Board of Professional Engineers;
- (6) Texas Funeral Service Commission;
- (7) Texas Board of Professional Geoscientists;
- (8) Health and Human Services Commission [~~Department of State Health Services~~], except as provided by Section 411.110, and agencies attached to the commission [~~department, including:~~
 - [(A) ~~Texas State Board of Examiners of Marriage and Family Therapists;~~
 - [(B) ~~Texas State Board of Examiners of Professional Counselors;~~
 - [(C) ~~Texas State Board of Social Worker Examiners;~~
- (9) Texas Board of Professional Land Surveying;
- (10) Texas Department of Licensing and Regulation, except as provided by Section 411.093;
- (11) Texas Commission on Environmental Quality;
- (12) Texas Board of Occupational Therapy Examiners;
- (13) Texas Optometry Board;
- (14) Texas State Board of Pharmacy;
- (15) Texas Board of Physical Therapy Examiners;

- (16) Texas State Board of Plumbing Examiners;
- (17) ~~[Texas State Board of Podiatric Medical Examiners;~~
- ~~[(18)] Texas Behavioral Health Executive Council [State Board of Examiners of Psychologists];~~
- (18) ~~[(19)]~~ Texas Real Estate Commission;
- (19) ~~[(20)]~~ Texas Department of Transportation;
- (20) ~~[(21)]~~ State Board of Veterinary Medical Examiners;
- (21) ~~[(22)]~~ Texas Department of Housing and Community Affairs;
- (22) ~~[(23)]~~ secretary of state;
- (23) ~~[(24)]~~ state fire marshal;
- (24) ~~[(25)]~~ Texas Education Agency;
- (25) ~~[(26)]~~ Department of Agriculture; and
- (26) ~~[(27)]~~ Texas Department of Motor Vehicles.

SECTION 3.003. Section 2054.2606(a), Government Code, is amended to read as follows:

(a) The following licensing entities shall establish a profile system consisting of the specific license holder information prescribed by Subsection (c):

- (1) Texas Board of Chiropractic Examiners, with respect to chiropractors;
- (2) Texas Department of Licensing and Regulation ~~[State Board of Podiatric Medical Examiners]~~, with respect to podiatrists;
- (3) State Board of Dental Examiners, with respect to dentists;
- (4) Texas Optometry Board, with respect to optometrists and therapeutic optometrists;
- (5) Texas Board of Physical Therapy Examiners, with respect to physical therapists and physical therapy facilities;
- (6) Texas Board of Occupational Therapy Examiners, with respect to occupational therapists and occupational therapy facilities;
- (7) Texas Behavioral Health Executive Council ~~[State Board of Examiners of Psychologists]~~, with respect to psychologists; and
- (8) Texas State Board of Pharmacy, with respect to pharmacists and pharmacies.

SECTION 3.004. Section 2054.352(a), Government Code, is amended to read as follows:

(a) The following licensing entities shall participate in the system established under Section 2054.353:

- (1) Texas Board of Chiropractic Examiners;
- (2) Judicial Branch Certification Commission;
- (3) State Board of Dental Examiners;
- (4) Texas Funeral Service Commission;
- (5) Texas Board of Professional Land Surveying;
- (6) Texas Medical Board;
- (7) Texas Board of Nursing;
- (8) Texas Optometry Board;
- (9) Department of Agriculture, for licenses issued under Chapter 1951, Occupations Code;

- (10) Texas State Board of Pharmacy;
- (11) Executive Council of Physical Therapy and Occupational Therapy Examiners;
- (12) Texas State Board of Plumbing Examiners;
- (13) ~~[Texas State Board of Podiatric Medical Examiners;~~
- ~~[(14)] Texas Behavioral Health Executive Council [State Board of Examiners of Psychologists];~~
- (14) ~~[(15)]~~ State Board of Veterinary Medical Examiners;
- ~~[(15)]~~ ~~[(16)]~~ Texas Real Estate Commission;
- ~~[(16)]~~ ~~[(17)]~~ Texas Appraiser Licensing and Certification Board;
- ~~[(17)]~~ ~~[(18)]~~ Texas Department of Licensing and Regulation;
- ~~[(18)]~~ ~~[(19)]~~ Texas State Board of Public Accountancy;
- ~~[(19)]~~ ~~[(20)]~~ State Board for Educator Certification;
- ~~[(20)]~~ ~~[(21)]~~ Texas Board of Professional Engineers;
- ~~[(21)]~~ ~~Health and Human Services Commission~~ ~~[(22) Department of State Health Services];~~
- ~~[(22)]~~ ~~[(23)]~~ Texas Board of Architectural Examiners;
- ~~[(23)]~~ ~~[(24)]~~ Texas Racing Commission;
- ~~[(24)]~~ ~~[(25)]~~ Texas Commission on Law Enforcement; and
- ~~[(25)]~~ ~~[(26)]~~ Texas Private Security Board.

SECTION 3.005. Section 36.132(a)(2), Human Resources Code, is amended to read as follows:

- (2) "Licensing authority" means:
 - (A) the Texas Medical Board;
 - (B) the State Board of Dental Examiners;
 - (C) the Texas Behavioral Health Executive Council ~~[State Board of Examiners of Psychologists];~~
 - (D) ~~[the Texas State Board of Social Worker Examiners;~~
 - ~~[(E)]~~ the Texas Board of Nursing;
 - (E) ~~[(F)]~~ the Texas Board of Physical Therapy Examiners;
 - (F) ~~[(G)]~~ the Texas Board of Occupational Therapy Examiners; or
 - (G) ~~[(H)]~~ another state agency authorized to regulate a provider who receives or is eligible to receive payment for a health care service under the Medicaid program.

SECTION 3.006. Sections 1451.001(9), (10), (11), (18), and (19), Insurance Code, are amended to read as follows:

- (9) "Licensed clinical social worker" means an individual licensed ~~[by the Texas State Board of Social Worker Examiners]~~ as a ~~[licensed]~~ clinical social worker under Chapter 505, Occupations Code.
- (10) "Licensed professional counselor" means an individual licensed under Chapter 503, Occupations Code ~~[by the Texas State Board of Examiners of Professional Counselors].~~
- (11) "Marriage and family therapist" means an individual licensed under Chapter 502, Occupations Code ~~[by the Texas State Board of Examiners of Marriage and Family Therapists].~~

(18) "Psychological associate" means an individual licensed as a psychological associate by the Texas Behavioral Health Executive Council [~~State Board of Examiners of Psychologists who practices solely under the supervision of a licensed psychologist~~].

(19) "Psychologist" means an individual licensed as a psychologist by the Texas Behavioral Health Executive Council [~~State Board of Examiners of Psychologists~~].

SECTION 3.007. Section 101.002, Occupations Code, is amended to read as follows:

Sec. 101.002. COMPOSITION OF COUNCIL. The council consists of 13 ~~[14]~~ members, with one member appointed by each of the following:

- (1) the Texas Board of Chiropractic Examiners;
- (2) the State Board of Dental Examiners;
- (3) the Texas Optometry Board;
- (4) the Texas State Board of Pharmacy;
- (5) ~~[the Texas State Board of Podiatric Medical Examiners;~~
- ~~[(6)]~~ the State Board of Veterinary Medical Examiners;
- ~~[(6)]~~ ~~[(7)]~~ the Texas Medical Board;
- ~~[(7)]~~ ~~[(8)]~~ the Texas Board of Nursing;
- ~~[(8)]~~ ~~[(9)]~~ the Texas Behavioral Health Executive Council [~~State Board of Examiners of Psychologists~~];
- ~~[(9)]~~ ~~[(10)]~~ the Texas Funeral Service Commission;
- ~~[(10)]~~ ~~[(11)]~~ the entity that regulates the practice of physical therapy;
- ~~[(11)]~~ ~~[(12)]~~ the entity that regulates the practice of occupational therapy;
- ~~[(12)]~~ ~~[(13)]~~ the health licensing division of the Health and Human Services Commission [~~Department of State Health Services~~]; and
- ~~[(13)]~~ ~~[(14)]~~ the governor's office.

SECTION 3.008. Section 110.001(7), Occupations Code, is amended to read as follows:

(7) "Sex offender treatment provider" means a person, licensed by the council and recognized based on training and experience to provide assessment and treatment to adult sex offenders or juveniles with sexual behavioral problems who have been convicted, adjudicated, awarded deferred adjudication, or referred by a state agency or a court, and licensed in this state to practice as a physician, psychiatrist, psychologist, psychological associate, provisionally licensed psychologist, licensed professional counselor, licensed professional counselor intern, licensed marriage and family therapist, licensed marriage and family associate, licensed clinical social worker, licensed master social worker under a clinical supervision plan approved by the Texas Behavioral Health Executive Council [~~State Board of Social Worker Examiners~~], or advanced practice nurse recognized as a psychiatric clinical nurse specialist or psychiatric mental health nurse practitioner, who provides mental health or medical services for rehabilitation of sex offenders.

ARTICLE 4. TRANSITIONS AND EFFECTIVE DATE

SECTION 4.001. In this article:

(1) "Executive council" means the Texas Behavioral Health Executive Council.

(2) "Transferring entity" means:

(A) the Texas State Board of Examiners of Psychologists;

(B) the Texas State Board of Examiners of Marriage and Family Therapists;

(C) the Texas State Board of Examiners of Professional Counselors; and

(D) the Texas State Board of Social Worker Examiners.

SECTION 4.002. (a) Except as provided by Subsection (b) of this section, Sections 501.059, 502.059, 503.110, and 505.109, Occupations Code, as amended by this Act, apply to a member of the applicable board appointed before, on, or after the effective date of this Act.

(b) A member of a board who, before the effective date of this Act, completed the training program required by Section 501.059, 502.059, 503.110, or 505.109, Occupations Code, as the applicable law existed before the effective date of this Act, is required to complete additional training only on the subjects added by this Act to the training program required by Section 501.059, 502.059, 503.110, or 505.109, Occupations Code, as applicable. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2019, until the member completes the additional training.

SECTION 4.003. (a) Section 501.2525, Occupations Code, as redesignated and amended by this Act, applies only to an application for a license under Chapter 501, Occupations Code, that is submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(b) A provisional license issued under Section 501.253, Occupations Code, that is in effect on the effective date of this Act continues to be valid until the license expires.

(c) Section 502.252, Occupations Code, as amended by this Act, applies only to an application for a license under Chapter 502, Occupations Code, submitted on or after the date on which rules adopted by the Texas Behavioral Health Executive Council under that section take effect. An application submitted before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 4.004. Not later than August 31, 2020, an initial member of the executive council shall complete the training required by Section 507.059, Occupations Code, as added by this Act. On or after September 1, 2020, a member of the executive council may not vote, deliberate, or be counted as a member in attendance at a meeting of the executive council until the member has completed the training required by that section.

SECTION 4.005. (a) Not later than December 1, 2019, the appropriate appointing authorities shall appoint the members of the executive council as provided by Section 507.051, Occupations Code, as added by this Act.

(b) Notwithstanding the terms established by Section 507.054, Occupations Code, as added by this Act, in making the initial appointments to the executive council, the Texas State Board of Examiners of Psychologists, the Texas State Board of Examiners of Marriage and Family Therapists, the Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Social Worker Examiners shall each appoint one member to a term expiring February 1, 2021, and one member to a term expiring February 1, 2022.

SECTION 4.006. (a) The Texas Behavioral Health Incubation Task Force is established to assist in the establishment of and transfer of regulatory programs to the executive council under this Act by providing guidance to:

- (1) the executive council regarding:
 - (A) hiring the executive director of the executive council;
 - (B) developing functional alignments within the organizational structure of the executive council;
 - (C) establishing any necessary accounts and reporting requirements; and
 - (D) seeking input from interested parties throughout the transfer; and
- (2) the transferring entities and the executive council regarding:
 - (A) the efficient transfer of necessary data; and
 - (B) the revision of existing rules to align with the administrative structure of the executive council.

(b) The task force is composed of:

- (1) the executive commissioner of the Health and Human Services Commission, or the executive commissioner's designee;
- (2) the executive director of the Texas Department of Licensing and Regulation, or the executive director's designee;
- (3) the executive director of the Texas State Board of Examiners of Psychologists;
- (4) a representative of the Texas State Board of Examiners of Marriage and Family Therapists;
- (5) a representative of the Texas State Board of Examiners of Professional Counselors; and
- (6) a representative of the Texas State Board of Social Worker Examiners.

(c) The entities represented on the task force may adopt a memorandum of understanding to accomplish the responsibilities and duties of the task force and to ensure access by the entities of any systems and information necessary to effectively transfer the regulatory programs to the executive council under this Act.

SECTION 4.007. (a) Not later than April 1, 2020, the executive council shall hire an executive director for the executive council.

(b) Not later than July 31, 2020, the executive council shall adopt procedural rules necessary to implement Chapter 507, Occupations Code, as added by this Act.

SECTION 4.008. (a) As soon as practicable after the appointment of the members of the executive council, the executive council and the transferring entities shall adopt a transition plan to provide for the orderly transfer of powers, duties, functions, programs, and activities under this Act. The transition plan must provide for the transfer of each regulatory program to be completed on or before August 31, 2020.

(b) The transferring entities shall provide the executive council with access to any systems or information necessary for the executive council to accept a program transferred under this Act.

(c) On the date specified in the transition plan required under Subsection (a) of this section for the transfer of a particular program to the executive council, all full-time equivalent employee positions at a transferring entity that primarily concern the administration or enforcement of the program being transferred become positions at the executive council. The executive council shall post the positions for hiring and, when filling the positions, shall give consideration to, but is not required to hire, an applicant who, immediately before the date of the transfer, was an employee at a transferring entity primarily involved in administering or enforcing the transferred program.

SECTION 4.009. On the date specified in the transition plan required under Section 4.008(a) of this article for the transfer of a particular program to the executive council:

(1) a rule or fee relating to a transferred program that is in effect on that date remains in effect until changed by the executive council;

(2) a license, registration, certification, or other authorization relating to a transferred program that is in effect on that date is continued in effect as a license, registration, certification, or other authorization of the executive council; and

(3) a complaint, investigation, contested case, or other proceeding relating to a transferred program that is pending before a transferring entity on that date is transferred without change in status to the executive council.

SECTION 4.010. Section 507.154, Occupations Code, as added by this Act, does not prohibit the appropriation of money to the Behavioral Health Executive Council, as created by this Act, for the state fiscal year ending August 31, 2020.

SECTION 4.011. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4.012. This Act takes effect September 1, 2019.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1501** (engrossed version) on page 2, line 10, by striking "2031" and substituting "2029".

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 1501** (senate committee report) as follows:

(1) On page 6, between lines 29 and 30, insert the following:

(c) The executive council may not include the home address of a license holder in a registry the executive council publishes on the executive council's Internet website unless the person requests that the person's home address appear in the registry on the website. A request under this subsection must be made in the manner prescribed by the executive council.

(d) The home address of a license holder that is included in a registry the executive council prepares under this section is public information and is not excepted from required disclosure under Chapter 552, Government Code.

(2) Add the following appropriately numbered SECTION to Article 4 of the bill and renumber subsequent SECTIONS of that article accordingly:

SECTION 4. _____. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to the online publication of the home address of a person licensed under Chapter 503 or 505, Occupations Code.

HB 294 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative K. King called up with senate amendments for consideration at this time,

HB 294, A bill to be entitled An Act relating to a petition filed for a place on the ballot for the board of directors of the Muleshoe Area Hospital District.

Representative K. King moved to concur in the senate amendments to **HB 294**.

The motion to concur in the senate amendments to **HB 294** prevailed by (Record 1691): 137 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Capriglione; Patterson; Stickland; Tinderholt; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Deshotel; Paddie.

STATEMENTS OF VOTE

When Record No. 1691 was taken, I was shown voting no. I intended to vote yes.

Capriglione

When Record No. 1691 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1691 was taken, I was shown voting yes. I intended to vote no.

Swanson

Senate Committee Substitute

CSHB 294, A bill to be entitled An Act relating to a petition filed for a place on the ballot for the board of directors of the Muleshoe Area Hospital District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1068.053, Special District Local Laws Code, is amended to read as follows:

Sec. 1068.053. BALLOT APPLICATION ~~[PETITION]~~. A person who wants to have the person's name printed on the ballot as a candidate for director must file with the board secretary an application for a place on the ballot ~~[a petition requesting that action]~~. The application ~~[petition]~~ must:

(1) ~~[be signed by at least 25 registered voters of the district as determined by the most recent official list of registered voters;~~

~~[(2)]~~ be filed not later than the 31st day before the date of the election; and

(2) ~~[(2)]~~ specify the place for which the person is to be a candidate.

SECTION 2. This Act takes effect September 1, 2019.

HB 1894 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Goldman called up with senate amendments for consideration at this time,

HB 1894, A bill to be entitled An Act relating to the imposition of an administrative penalty and the repeal of the criminal penalty for a violation of the interior designers licensing law.

Representative Goldman moved to concur in the senate amendments to **HB 1894**.

The motion to concur in the senate amendments to **HB 1894** prevailed by (Record 1692): 144 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Senate Committee Substitute

CSHB 1894, A bill to be entitled An Act relating to the repeal of the criminal penalty for a violation of the interior designers licensing law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 1053, Occupations Code, is repealed.

SECTION 2. The repeal by this Act of Subchapter H, Chapter 1053, Occupations Code, does not apply to an offense committed under that subchapter before the effective date of the repeal. An offense committed before the effective date of the repeal is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of the repeal if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2019.

HB 234 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Krause called up with senate amendments for consideration at this time,

HB 234, A bill to be entitled An Act relating to the local regulation of the sale of lemonade or other beverages by children.

HB 234 - REMARKS

REPRESENTATIVE WU: Mr. Krause, I actually want to thank you for bringing this bill. I'm actually very supportive of this legislation. I think it's a fantastic idea, but I think you maybe have undersold it a little bit. What the senate added was a provision that the children who are selling lemonade must themselves be specifically from that neighborhood. Is that correct?

REPRESENTATIVE KRAUSE: That's correct.

WU: One of the reasons we have this bill is that we wanted the children to be left alone. We don't want cops going up to them. We don't want neighborhood security going up to them. We don't want the HOA sending their goons to go see them like, "What are you doing here? Why are you here?" Is that correct?

KRAUSE: Yes. I don't disagree with that. The senate felt very strongly that this is a provision that should be made.

WU: And the bill already says that the lemonade is being sold on the property of someone in that subdivision. Is that not correct?

KRAUSE: That's correct.

WU: So these children are already lawfully on the property of a homeowner, but the children themselves still have to be from that subdivision. Is that not what the senate added?

KRAUSE: That is what the amendment says. That's correct.

WU: And so if, let's say, a Boy Scout scoutmaster allowed his Scouts to sell lemonade on his property but if the Scouts didn't live in that subdivision, they would be tossed out?

KRAUSE: Well, I think you could argue that.

WU: Are you intending to accept the senate's amendments?

KRAUSE: Well, let me hear from y'all. Should we accept the senate amendment? All right. Let's refuse and go to conference.

Representative Krause moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 234**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 234**: Krause, chair; Middleton, Phelan, Price, and Wu.

**HB 1262 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Paddie called up with senate amendments for consideration at this time,

HB 1262, A bill to be entitled An Act relating to the extended registration of certain vehicles not subject to inspection.

Representative Paddie moved to concur in the senate amendments to **HB 1262**.

The motion to concur in the senate amendments to **HB 1262** prevailed by (Record 1693): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Bailes.

Senate Committee Substitute

CSHB 1262, A bill to be entitled An Act relating to the extended registration of certain vehicles not subject to inspection.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 502, Transportation Code, is amended by adding Section 502.0024 to read as follows:

Sec. 502.0024. EXTENDED REGISTRATION OF CERTAIN VEHICLES NOT SUBJECT TO INSPECTION. (a) Notwithstanding Section 502.044(c), the department shall develop and implement a system of registration to allow an owner of a vehicle described by Section 548.052(3) other than a mobile home to register the vehicle for an extended registration period of not more than five years. The owner may select the number of years for registration under this section within that range and register the vehicle for that period. Payment for all applicable fees, including any optional fee imposed under Subchapter H and other registration fees and the fee required by Section 548.510, for the entire registration period selected is due at the time of registration.

(b) The fee required by Section 548.510 shall be remitted to the comptroller for deposit in the Texas mobility fund, the general revenue fund, and the clean air account in amounts proportionate to the allocation prescribed by Subsection (b) of that section.

(c) The fees imposed under Subchapter H shall be collected and remitted as prescribed by that subchapter.

SECTION 2. Not later than February 1, 2020, the Texas Department of Motor Vehicles shall adopt the system required by Section 502.0024, Transportation Code, as added by this Act, and any rules necessary to implement that section.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

HB 1997 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Geren called up with senate amendments for consideration at this time,

HB 1997, A bill to be entitled An Act relating to the sampling of distilled spirits provided by the manufacturer to a retailer of distilled spirits.

Representative Geren moved to concur in the senate amendments to **HB 1997**.

The motion to concur in the senate amendments to **HB 1997** prevailed by (Record 1694): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lope; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.

Senate Committee Substitute

CSHB 1997, A bill to be entitled An Act relating to the sampling of distilled spirits provided by the manufacturer to a retailer of distilled spirits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 14, Alcoholic Beverage Code, is amended by adding Section 14.07 to read as follows:

Sec. 14.07. RETAILER SAMPLING. (a) Subject to this section and notwithstanding any other provision of this code, the holder of a distiller's and rectifier's permit or the agent or employee of the holder of a distiller's and rectifier's permit may:

(1) provide a sample of distilled spirits to the holder of a retail permit authorizing the sale of distilled spirits or an agent or employee of the holder of the retail permit; or

(2) provide a distilled spirits product tasting on the retailer's premises, including the opening, touching, or pouring of distilled spirits, for the holder of the retail permit or an agent or employee of the holder of the retail permit.

(b) The holder of the distiller's and rectifier's permit or the agent or employee of the holder of the distiller's and rectifier's permit may make a presentation or answer questions at a distilled spirits tasting provided under Subsection (a).

(c) The holder of a retail permit authorizing the sale of distilled spirits or an agent or employee of the permit holder may not sample or taste a distilled spirit provided under this section on the permitted retail premises unless:

(1) the holder of the distiller's and rectifier's permit is present; or

(2) an agent or employee of the holder of the distiller's and rectifier's permit is present.

(d) The distilled spirits provided as a sample or at a tasting under Subsection (a):

(1) must be manufactured by the holder of the distiller's and rectifier's permit;

(2) may not be of a brand previously purchased by the holder of the retailer's permit unless the spirits were purchased and used for educational or training purposes;

(3) must be limited to 750 milliliters of each brand provided as a sample or at a tasting; and

(4) must meet all labeling requirements of this code.

(e) Distilled spirits may legally be transported by the holder of the distiller's and rectifier's permit or the permit holder's agent or employee to a retail premises for the purpose of providing a sample or a tasting under this section.

(f) The cost of the distilled spirits provided for a sampling or tasting under this section is the responsibility of the holder of the distiller's and rectifier's permit providing the sampling or tasting.

(g) The holder of a distiller's and rectifier's permit or the agent or employee of the holder of a distiller's and rectifier's permit may not negotiate price or establish agreements while providing samples or tastings under this section.

SECTION 2. Section 15.01, Alcoholic Beverage Code, is amended to read as follows:

Sec. 15.01. AUTHORIZED ACTIVITIES. The holder of a distiller's agent's permit may:

- (1) represent the holder of a distiller's and rectifier's permit;
- (2) solicit and take orders from a holder of a wholesaler's permit for the sale of distilled spirits manufactured by the permit holder represented by the agent; ~~and~~
- (3) conduct free distilled spirits tastings for consumers on the premises of the holder of a package store permit; and
- (4) provide samples or tastings of distilled spirits on a retailer's premises in accordance with Section 14.07.

SECTION 3. Sections 22.10 and 22.11, Alcoholic Beverage Code, are amended to read as follows:

Sec. 22.10. OPENING CONTAINERS PROHIBITED. Except as authorized under Section 14.07, 37.01(d), or 52.01 ~~[of this code]~~, no person may break or open a container containing liquor or beer or possess an opened container of liquor or beer on the premises of a package store.

Sec. 22.11. CONSUMPTION ON PREMISES PROHIBITED. Except as authorized under Section 14.07, 37.01(d), or 52.01, no person may sell, barter, exchange, deliver, or give away any drink or drinks of alcoholic beverages from a container that has been opened or broken on the premises of a package store.

SECTION 4. Sections 28.06(a) and (c), Alcoholic Beverage Code, are amended to read as follows:

(a) Except as provided by Sections 14.07 and 37.01(d), no ~~[No]~~ holder of a mixed beverage permit, nor any officer, agent, or employee of a holder, may possess or permit to be possessed on the premises for which the permit is issued any alcoholic beverage which is not covered by an invoice from the supplier from whom the alcoholic beverage was purchased.

(c) Except as provided by Sections 14.07 and 37.01(d), no ~~[No]~~ holder of a mixed beverage permit, nor any officer, agent, or employee of a holder, may knowingly possess or permit to be possessed on the licensed premises any alcoholic beverage which is not covered by an invoice from the supplier from whom the alcoholic beverage was purchased.

SECTION 5. Section 28.15(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Except as provided by Sections 14.07 and 37.01(d), a ~~[A]~~ mixed beverage permittee may not possess or permit a person to possess on the premises distilled spirits in any container that does not bear a serially numbered identification stamp issued by the commission or other identification approved by the commission.

SECTION 6. Section 32.15, Alcoholic Beverage Code, is amended to read as follows:

Sec. 32.15. REMOVAL OF BEVERAGES FROM PREMISES. A private club, irrespective of location or system of storage of alcoholic beverages, may not permit any person to remove any alcoholic beverages from the club premises,

except as authorized by ~~[Subsection (b) of]~~ Section 28.10(b) or for the purpose of removing unused inventory the person brought onto the premises under Section 14.07 or 37.01(d) ~~[28.10 of this code]~~.

SECTION 7. Section 32.20(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Except as provided by Sections 14.07 and 37.01(d), a ~~[A]~~ private club registration permittee may not possess or permit a person to possess on the premises distilled spirits in any container that does not bear a serially numbered identification stamp issued by the commission or other identification approved by the commission.

SECTION 8. Section 36.01, Alcoholic Beverage Code, is amended to read as follows:

Sec. 36.01. AUTHORIZED ACTIVITIES. The holder of a manufacturer's agent's permit may:

- (1) represent only the holders of nonresident seller's permits; ~~and~~
- (2) solicit and take orders for the sale of liquor from permittees authorized to import liquor for the purpose of resale; and
- (3) if the agent represents the holder of a nonresident seller's permit, provide samples or tastings of distilled spirits on a retailer's premises as authorized by Section 37.01(d).

SECTION 9. Section 37.01, Alcoholic Beverage Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Any alcoholic beverages used in a sampling event under Subsection (b) [this section] must be purchased from the retailer on whose premises the sampling event is held. Subsection (b) [This section] does not authorize the holder of a nonresident seller's permit or manufacturer's agent's permit to withdraw or purchase alcoholic beverages from the holder of a wholesaler's permit or provide alcoholic beverages for a sampling event on a retailer's premises that is not purchased from the retailer. The amount of alcoholic beverages purchased from the retailer may not exceed the amount of alcoholic beverages used in the sampling event.

(d) The holder of a nonresident seller's permit or an agent or employee of the permit holder may provide samples or tastings of the kinds of distilled spirits the permit holder is authorized to produce in the manner authorized by Section 14.07 for the holder of a distiller's and rectifier's permit or the agent or employee of the holder of a distiller's and rectifier's permit. Distilled spirits may legally be transported by the holder of a nonresident seller's permit or the permit holder's agent or employee to a retailer's premises for the purpose of providing a sample or a tasting under this subsection. The cost of the distilled spirits provided for a sampling or tasting under this subsection is the responsibility of the holder of the nonresident seller's permit providing the sampling or tasting.

SECTION 10. This Act takes effect September 1, 2019.

HB 2837 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Canales called up with senate amendments for consideration at this time,

HB 2837, A bill to be entitled An Act relating to the operation of and equipment for vehicles.

Representative Canales moved to concur in the senate amendments to **HB 2837**.

The motion to concur in the senate amendments to **HB 2837** prevailed by (Record 1695): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Hefner; Johnson, J.D.; King, K.

Senate Committee Substitute

CSHB 2837, A bill to be entitled An Act relating to the operation of and equipment for vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 522.004(a), Transportation Code, is amended to read as follows:

(a) This chapter does not apply to:

(1) a vehicle that is controlled and operated by a farmer and:

(A) used to transport agricultural products, farm machinery, or farm supplies to or from a farm;

(B) used within 150 miles of the person's farm; and

(C) not used in the operations of a common or contract motor carrier;

(2) a fire-fighting or emergency vehicle necessary to the preservation of life or property or the execution of emergency governmental functions, whether operated by an employee of a political subdivision or by a volunteer fire fighter;

(3) a military vehicle or a commercial motor vehicle, when operated for military purposes by military personnel, including:

(A) active duty military personnel, including personnel serving in the United States Coast Guard; and

(B) members of the reserves and national guard on active duty, including personnel on full-time national guard duty, personnel engaged in part-time training, and national guard military technicians;

(4) a recreational vehicle that is driven for personal use;

(5) a vehicle that is owned, leased, or controlled by an air carrier, as defined by Section 21.155, and that is driven or operated exclusively by an employee of the air carrier only on the premises of an airport, as defined by Section 22.001, on service roads to which the public does not have access; ~~or~~

(6) a vehicle used exclusively to transport seed cotton modules or cotton burs;

(7) a vehicle, including a vehicle described by Section 504.502(i), that is:

(A) operated intrastate; and

(B) driven by an individual not for compensation and not in the furtherance of a commercial enterprise; or

(8) a covered farm vehicle as defined by 49 C.F.R. Section 390.5.

SECTION 2. Section 545.058(c), Transportation Code, is amended to read as follows:

(c) A limitation in this section on driving on an improved shoulder does not apply to:

(1) an authorized emergency vehicle responding to a call;

(2) a police patrol; ~~or~~

(3) a bicycle; or

(4) a slow-moving vehicle, as defined by Section 547.001.

SECTION 3. Section 545.156(a), Transportation Code, is amended to read as follows:

(a) On the immediate approach of an authorized emergency vehicle using audible and visual signals that meet the requirements of Sections 547.305 and 547.702, or of a police vehicle lawfully using only an audible or visual signal, an operator, unless otherwise directed by a police officer, shall:

(1) yield the right-of-way;

(2) immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway clear of any intersection; and

(3) stop and remain standing until the authorized emergency vehicle has passed.

SECTION 4. Section 546.002(b), Transportation Code, is amended to read as follows:

(b) Sections 546.001(2), (3), and (4) apply ~~[Section 546.001 applies]~~ only when the operator is:

(1) responding to an emergency call;

(2) pursuing an actual or suspected violator of the law;

(3) responding to but not returning from a fire alarm;

- (4) directing or diverting traffic for public safety purposes; or
- (5) conducting a police escort.

SECTION 5. Section 547.405(d), Transportation Code, is amended to read as follows:

(d) A trailer, semitrailer, or pole trailer that is equipped with air or vacuum brakes or that has a gross weight heavier than 4,500 [~~3,000~~] pounds shall be equipped with brakes that:

(1) operate on all wheels required to have brakes under Section 547.402; and

(2) are promptly applied automatically and remain applied for at least 15 minutes in case of a breakaway from the towing vehicle.

SECTION 6. Section 547.703(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a slow-moving vehicle shall display a slow-moving-vehicle emblem that:

(1) has a reflective surface designed to be clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet;

(2) is mounted base down on the rear of the vehicle and at a height that does not impair the visibility of the emblem [~~from three to five feet above the road surface~~]; and

(3) is maintained in a clean, reflective condition.

SECTION 7. Section 504.947, Transportation Code, is repealed.

SECTION 8. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 9. This Act takes effect September 1, 2019.

REMARKS ORDERED PRINTED

Representative Hefner moved to print remarks between Representative Krause and Representative Wu on **HB 234**.

The motion prevailed.

HB 1651 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative M. González called up with senate amendments for consideration at this time,

HB 1651, A bill to be entitled An Act relating to the care of pregnant women confined in county jail.

Representative M. González moved to concur in the senate amendments to **HB 1651**.

The motion to concur in the senate amendments to **HB 1651** prevailed by (Record 1696): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Schaefer.

STATEMENT OF VOTE

When Record No. 1696 was taken, I was in the house but away from my desk. I would have voted yes.

Schaefer

Senate Committee Substitute

CSHB 1651, A bill to be entitled An Act relating to the care of pregnant women confined in county jail.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 511.009(a), Government Code, is amended to read as follows:

(a) The commission shall:

(1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;

(2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;

(3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;

(4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;

(5) revise, amend, or change rules and procedures if necessary;

(6) provide to local government officials consultation on and technical assistance for county jails;

(7) review and comment on plans for the construction and major modification or renovation of county jails;

(8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;

(9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;

(10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;

(11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;

(12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;

(13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;

(14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;

(15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

(16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:

(A) common issues concerning jail administration;

(B) examples of successful strategies for maintaining compliance with state law and the rules, standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for a county jail ~~[jails]~~ to:

(A) ~~determine if a prisoner is pregnant; [and]~~

(B) ensure that the jail's health services plan addresses medical care, including obstetrical and gynecological care, ~~[and]~~ mental health care, ~~[including]~~ nutritional requirements, and any special housing or work assignment needs for prisoners ~~[persons]~~ who are ~~[confined in the jail and are]~~ known or determined to be pregnant; and

(C) identify when a pregnant prisoner is in labor and provide appropriate care to the prisoner, including promptly transporting the prisoner to a local hospital;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety;

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 2. Chapter 511, Government Code, is amended by adding Sections 511.0104 and 511.0105 to read as follows:

Sec. 511.0104. RULES REGARDING RESTRAINT OF PREGNANT PRISONER. (a) The commission shall adopt reasonable rules and procedures regarding the use of any type of restraints to control or restrict the movement of a prisoner, including a limb or other part of the prisoner, who is confirmed to be pregnant or who gave birth in the preceding 12 weeks.

(b) The rules and procedures must:

(1) prohibit the use of restraints on a prisoner described by Subsection (a) for the duration of the pregnancy and for a period of not less than 12 weeks after the prisoner gives birth unless:

(A) supervisory personnel determines:

(i) the use of restraints is necessary to prevent an immediate and credible risk that the prisoner will attempt to escape; or

(ii) the prisoner poses an immediate and serious threat to the health and safety of the prisoner, staff, or any member of the public; or

(B) a health care professional responsible for the health and safety of the prisoner determines that the use of restraints is appropriate for the health and safety of the prisoner and, if applicable, the unborn child of the prisoner;

(2) require jail staff that uses restraints as permitted under Subdivision (1) to use the least restrictive restraints necessary to prevent escape or to ensure health and safety; and

(3) notwithstanding Subdivision (1), require jail staff to, at the request of a health care professional responsible for the health and safety of the prisoner, refrain from using restraints on the prisoner or to remove the restraints.

Sec. 511.0105. REPORT REGARDING RESTRAINT OF PREGNANT PRISONER. (a) Not later than February 1 of each year, each county jail shall submit to the commission a report regarding the jail's use, during the preceding calendar year, of any type of restraints to control or restrict the movement of a prisoner, including a limb or other part of the prisoner, who is confirmed to be pregnant or who gave birth in the preceding 12 weeks.

(b) The report must include the circumstances of each use of restraints, including:

(1) the specific type of restraints used;

(2) what activity the prisoner was engaged in immediately before being restrained;

(3) whether the prisoner was restrained during or after delivery;

(4) whether the prisoner was restrained while being transported to a local hospital; and

(5) the reasons supporting the determination to use the restraints, a description of the process by which the determination was made, and the name and title of the person or persons making the determination.

(c) The commission shall prescribe a form for the report required for this section.

SECTION 3. Not later than December 1, 2019, the Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section 511.009(a)(18), Government Code, as amended by this Act, and Section 511.0104, Government Code, as added by this Act; and

(2) prescribe the form required by Section 511.0105, Government Code, as added by this Act.

SECTION 4. This Act takes effect September 1, 2019.

HB 3171 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Krause called up with senate amendments for consideration at this time,

HB 3171, A bill to be entitled An Act relating to the classification and operation of mopeds and certain motorcycles.

Representative Krause moved to concur in the senate amendments to **HB 3171**.

The motion to concur in the senate amendments to **HB 3171** prevailed by (Record 1697): 131 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Bonnen; Cain; Dean; Goldman; Harris; Hefner; Lang; Middleton; Oliverson; Swanson; Tinderholt; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.; Schaefer.

STATEMENT OF VOTE

When Record No. 1697 was taken, I was in the house but away from my desk. I would have voted no.

Schaefer

Senate Committee Substitute

CSHB 3171, A bill to be entitled An Act relating to the classification and operation of mopeds and certain motorcycles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. MOPED OPERATION

SECTION 1.01. Section 521.084, Transportation Code, is amended to read as follows:

Sec. 521.084. CLASS M LICENSE. A Class M driver's license authorizes the holder of the license to operate a motorcycle [~~or moped~~] as defined by Section 541.201.

SECTION 1.02. Section 521.085(a), Transportation Code, is amended to read as follows:

(a) Unless prohibited by Chapter 522, and except as provided by Subsection (b), the license holder may operate any vehicle of the type for which that class of license is issued and any lesser type of vehicle other than a motorcycle [~~or moped~~].

SECTION 1.03. Section 521.122(b), Transportation Code, is amended to read as follows:

(b) The department may include on the driver's license an authorization to operate a motorcycle [~~or moped~~] if the license holder has met all requirements for a Class M license.

SECTION 1.04. Section 521.421(f), Transportation Code, as added by Chapter 1372 (H.B. 1200), Acts of the 75th Legislature, Regular Session, 1997, is redesignated as Section 521.421(g), Transportation Code, and amended to read as follows:

(g) [~~(f)~~] If a Class A, B, or C driver's license includes an authorization to operate a motorcycle [~~or moped~~], the fee for the driver's license is increased by \$8.

SECTION 1.05. Section 522.029(f), Transportation Code, is amended to read as follows:

(f) If a commercial driver's license includes an authorization to operate a motorcycle [~~or moped~~], the fee for the driver's license is increased by \$8.

SECTION 1.06. Section 522.041(e), Transportation Code, is amended to read as follows:

(e) The holder of a commercial driver's license or commercial learner's permit may drive any vehicle in the class for which the license or permit is issued and lesser classes of vehicles except a motorcycle [~~or moped~~]. The holder may

drive a motorcycle only if authorization to drive a motorcycle is shown on the commercial driver's license and the requirements for issuance of a motorcycle license have been met.

SECTION 1.07. Sections 541.201(8) and (9), Transportation Code, are amended to read as follows:

(8) "Moped" means a motor vehicle that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground, [motor-driven cycle] that cannot attain a speed in one mile of more than 30 miles per hour, and the engine of which:

(A) cannot produce more than five-brake ~~[two-brake]~~ horsepower; and

(B) if an internal combustion engine, has a piston displacement of 50 cubic centimeters or less and connects to a power drive system that does not require the operator to shift gears.

(9) "Motorcycle" means a motor vehicle, other than a tractor or moped, that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground.

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Section 345.251(a), Finance Code, is amended to read as follows:

(a) A retail seller may charge a documentary fee for services rendered to, for, or on behalf of a retail buyer in handling and processing documents relating to the sale of a motorcycle, ~~[motor-driven cycle,]~~ moped, all-terrain vehicle, boat, boat motor, boat trailer, or towable recreational vehicle.

SECTION 2.02. Section 501.002(17), Transportation Code, is amended to read as follows:

(17) "Motor vehicle" means:

(A) any motor driven or propelled vehicle required to be registered under the laws of this state;

(B) a trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;

(C) a travel trailer;

(D) an all-terrain vehicle or a recreational off-highway vehicle, as those terms are defined by Section 502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or

(E) a motorcycle ~~[motor-driven cycle,]~~ or moped that is not required to be registered under the laws of this state.

SECTION 2.03. Section 502.001(7), Transportation Code, is amended to read as follows:

(7) "Commercial motor vehicle" means a motor vehicle, other than a motorcycle or moped, designed or used primarily to transport property. The term includes a passenger car reconstructed and used primarily for delivery purposes. The term does not include a passenger car used to deliver the United States mail.

SECTION 2.04. Section 544.0075(b), Transportation Code, is amended to read as follows:

(b) In addition to any other type of vehicle the presence of which the detector for the traffic-actuated electric traffic-control signal may register, the detector for a traffic-actuated electric traffic-control device to which this section applies must be capable of registering the presence of a motorcycle or moped.

SECTION 2.05. Sections 545.065(a) and (c), Transportation Code, are amended to read as follows:

(a) The Texas Transportation Commission by resolution or order recorded in its minutes may prohibit the use of a limited-access or controlled-access highway under the jurisdiction of the commission by a parade, funeral procession, pedestrian, bicycle, electric bicycle, motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less ~~[motor-driven cycle]~~, or nonmotorized traffic.

(c) A local authority by ordinance may prohibit the use of a limited-access or controlled-access roadway under the jurisdiction of the authority by a parade, funeral procession, pedestrian, bicycle, electric bicycle, motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less ~~[motor-driven cycle]~~, or nonmotorized traffic.

SECTION 2.06. Section 545.361(a), Transportation Code, is amended to read as follows:

(a) An operator of a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less ~~[motor-driven cycle]~~ may not drive at a speed of more than 35 miles per hour during the time specified by Section 547.302(a) unless the motorcycle or moped ~~[cycle]~~ is equipped with a headlamp or lamps that reveal a person or vehicle 300 feet ahead.

SECTION 2.07. Section 545.416, Transportation Code, is amended to read as follows:

Sec. 545.416. RIDING ON MOTORCYCLE OR MOPED. (a) An operator of a motorcycle or moped shall ride on the permanent and regular seat attached to the motorcycle or moped.

(b) An operator may not carry another person on the motorcycle or moped, and a person who is not operating the motorcycle or moped may not ride on the motorcycle or moped, unless the motorcycle or moped is:

(1) designed to carry more than one person; and

(2) equipped with footrests and handholds for use by the passenger.

(c) If the motorcycle or moped is designed to carry more than one person, a passenger may ride only on the permanent and regular seat, if designed for two persons, or on another seat firmly attached to the motorcycle or moped behind or to the side of the operator.

(d) Except as provided by Subsection (e), an operator may not carry another person on a motorcycle or moped unless the other person is at least five years of age. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$100 or more than \$200. It is a defense to prosecution under this subsection that the operator was operating the motorcycle or moped in an emergency or for a law enforcement purpose.

(e) Subsection (d) does not prohibit an operator from carrying on a motorcycle or moped a person younger than five years of age who is seated in a sidecar attached to the motorcycle or moped.

(f) For purposes of Subsections (c) and (d), an autocycle as defined by Section 501.008 is considered to be a motorcycle.

SECTION 2.08. Section 545.424, Transportation Code, is amended by adding Subsection (a-2) and amending Subsections (b) and (b-1) to read as follows:

(a-2) Notwithstanding Subsection (a-1), a person under 18 years of age may operate a moped after midnight and before 5 a.m. if the person is in sight of the person's parent or guardian.

(b) A person under 17 years of age who holds a restricted motorcycle license [~~or moped license~~] may not operate a motorcycle [~~or moped~~] while using a wireless communication device, except in case of emergency. This subsection does not apply to a person licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(b-1) A person under 17 years of age who holds a restricted motorcycle license [~~or moped license~~], during the 12-month period following the issuance of an original motorcycle license [~~or moped license~~] to the person, may not operate a motorcycle [~~or moped~~] after midnight and before 5 a.m. unless:

(1) the person is in sight of the person's parent or guardian; or

(2) the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency.

SECTION 2.09. Section 547.306, Transportation Code, is amended to read as follows:

Sec. 547.306. LED GROUND EFFECT LIGHTING EQUIPMENT ON MOTORCYCLE OR MOPED. (a) In this section, "LED ground effect lighting equipment" means light emitting diode (LED) technology that is attached to the underbody of a motorcycle or moped for the purpose of illuminating:

(1) the body of the motorcycle or moped; or

(2) the ground below the motorcycle or moped.

(b) A person may operate a motorcycle or moped equipped with LED ground effect lighting that emits a non-flashing amber or white light.

SECTION 2.10. Sections 547.333(a) and (d), Transportation Code, are amended to read as follows:

(a) Unless provided otherwise, a headlamp, auxiliary driving lamp, auxiliary passing lamp, or combination of those lamps mounted on a motor vehicle, other than a motorcycle or moped [~~motor driven cycle~~]:

(1) shall be arranged so that the operator can select at will between distributions of light projected at different elevations; and

(2) may be arranged so that the operator can select the distribution automatically.

(d) A motor vehicle of a model year of 1948 or later, other than a motorcycle or ~~moped [motor driven cycle]~~, that has multiple-beam lighting equipment shall be equipped with a beam indicator that is:

(1) designed and located so that the lighted indicator is visible without glare to the vehicle operator; and

(2) lighted only when the uppermost distribution of light is in use.

SECTION 2.11. Sections 547.383(a) and (b), Transportation Code, are amended to read as follows:

(a) A vehicle, other than a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less ~~[motor driven cycle]~~, shall be equipped with at least one lamp, or a combination of lamps, that:

(1) emits a white or amber light visible at a distance of 1,000 feet from the front and a red light visible at a distance of 1,000 feet from the rear; and

(2) is mounted so that at least one lamp is installed as near as practicable to the side of the vehicle that is closest to passing traffic.

(b) A vehicle, other than a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less ~~[motor driven cycle]~~, that is parked or stopped on a roadway or shoulder at a time specified in Section 547.302(a) shall display a lamp that complies with Subsection (a).

SECTION 2.12. Section 547.404(a), Transportation Code, is amended to read as follows:

(a) A vehicle required to have brakes by this subchapter, other than a motorcycle or ~~moped [motor driven cycle]~~, shall be equipped with parking brakes adequate to hold the vehicle:

(1) on any grade on which the vehicle is operated;

(2) under all loading conditions; and

(3) on a surface free from snow, ice, or loose material.

SECTION 2.13. Section 547.408(a), Transportation Code, is amended to read as follows:

(a) A motor vehicle or combination of vehicles shall be equipped with service brakes capable of:

(1) developing a braking force that is not less than:

(A) 52.8 percent of the gross weight of the vehicle for a passenger vehicle; or

(B) 43.5 percent of the gross weight of the vehicle for a vehicle other than a passenger vehicle;

(2) decelerating to a stop from 20 miles per hour or less at not less than:

(A) 17 feet per second per second for a passenger vehicle; or

(B) 14 feet per second per second for other vehicles; and

(3) stopping from a speed of 20 miles per hour in a distance, measured from the location where the service brake pedal or control is activated, of not more than:

(A) 25 feet for a passenger vehicle;

(B) 30 feet for a motorcycle, moped ~~[motor-driven cycle]~~, or single unit vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or less;

(C) 40 feet for:

(i) a single unit vehicle with a manufacturer's gross weight rating of more than 10,000 pounds;

(ii) a two-axle towing vehicle and trailer combination with a weight of 3,000 pounds or less;

(iii) a bus that does not have a manufacturer's gross weight rating; and

(iv) the combination of vehicles in an operation exempted by Section 547.407(b); and

(D) 50 feet for other vehicles.

SECTION 2.14. Section 547.617, Transportation Code, is amended to read as follows:

Sec. 547.617. MOTORCYCLE AND MOPED FOOTRESTS AND HANDHOLDS REQUIRED. (a) A motorcycle or moped that is designed to carry more than one person must be equipped with footrests and handholds for use by the passenger.

(b) This section does not apply to an autocycle as defined by Section 501.008 or a motorcycle as defined by Section 521.001(a)(6-a).

SECTION 2.15. The heading to Subchapter M, Chapter 547, Transportation Code, is amended to read as follows:

SUBCHAPTER M. ADDITIONAL OR ALTERNATIVE EQUIPMENT REQUIREMENTS FOR MOTORCYCLES AND MOPEDS ~~[MOTOR-DRIVEN CYCLES]~~

SECTION 2.16. Sections 547.801(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) A motorcycle or a moped ~~[, including a motor-driven cycle,]~~ shall be equipped with:

(1) not more than two headlamps mounted at a height from 24 to 54 inches;

(2) at least one taillamp mounted at a height from 20 to 72 inches;

(3) a taillamp or separate lamp to illuminate the rear license plate that complies with the requirements of Sections 547.322(f) and (g);

(4) at least one stoplamp that complies with the requirements of Section 547.323(d); and

(5) at least one rear red reflector that complies with the requirements of Section 547.325(b) and may be included as a part of the taillamp.

(b) A motorcycle, other than a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less ~~[motor-driven cycle]~~, shall be equipped with multiple-beam lighting equipment that produces:

(1) an uppermost distribution of light that reveals a person or vehicle at a distance of at least 300 feet ahead; and

(2) a lowermost distribution of light that:

(A) reveals a person or vehicle at a distance of at least 150 feet ahead; and

(B) is aimed so that no part of the high-intensity portion of the beam on the motorcycle that is on a straight and level road under any condition of loading projects into the eyes of an approaching vehicle operator.

(c) A moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less ~~[motor-driven cycle]~~ shall be equipped with:

(1) multiple-beam lighting equipment that complies with the requirements of Subsection (b); or

(2) single-beam lighting equipment that:

(A) emits light sufficient to reveal a person or vehicle:

(i) at a distance of at least 100 feet when the moped or motorcycle ~~[cycle]~~ is operated at a speed less than 25 miles per hour;

(ii) at a distance of at least 200 feet when the moped or motorcycle ~~[cycle]~~ is operated at a speed of 25 miles per hour or more; and

(iii) at a distance of at least 300 feet when the moped or motorcycle ~~[cycle]~~ is operated at a speed of 35 miles per hour or more; and

(B) is aimed so that no part of the high-intensity portion of the beam from the lamp on a loaded moped or motorcycle ~~[cycle]~~ projects a beam higher than the level center of the lamp for a distance of 25 feet ahead.

SECTION 2.17. Section 547.802, Transportation Code, is amended to read as follows:

Sec. 547.802. BRAKE EQUIPMENT. (a) If a motorcycle or a moped ~~[-including a motor-driven cycle,]~~ complies with the performance requirements of Section 547.408, brakes are not required on the wheel of a sidecar attached to the motorcycle or moped ~~[cycle]~~.

(b) If a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less ~~[motor-driven cycle]~~ complies with the performance standards of Section 547.408, brakes are not required on the front wheel of the moped or motorcycle ~~[cycle]~~.

(c) The director may require an inspection of the ~~[a motor-driven cycle]~~ braking system of a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less and may disapprove a system that:

(1) does not comply with the brake performance requirements in Section 547.408; or

(2) is not designed or constructed to ensure reasonable and reliable performance during actual use.

SECTION 2.18. Section 551.351(2), Transportation Code, is amended to read as follows:

(2) "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with

not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501. The term does not include:

- (A) a moped or motorcycle;
- (B) an electric bicycle [~~or motor-driven cycle, as defined by Section 541.201~~];
- (C) a motorized mobility device, as defined by Section 542.009;
- (D) an electric personal assistive mobility device, as defined by Section 551.201; or
- (E) a neighborhood electric vehicle, as defined by Section 551.301.

SECTION 2.19. Section 662.011(a), Transportation Code, is amended to read as follows:

(a) Of each fee collected under Sections 521.421(b) and (g) ~~(f)~~ and Sections 522.029(f) and (g), the Department of Public Safety shall send \$5 to the comptroller for deposit to the credit of the motorcycle education fund account.

ARTICLE 3. REPEALER

SECTION 3.01. The following provisions of the Transportation Code are repealed:

- (1) Section 521.224(a);
- (2) Section 521.225; and
- (3) Section 541.201(10).

ARTICLE 4. TEXAS MOBILITY FUND

SECTION 4.01. As soon as practicable after the effective date of this Act, the comptroller of public accounts shall:

(1) determine whether any transfer of money for deposit to the Texas mobility fund is necessary to comply with Section 49-k, Article III, Texas Constitution; and

(2) transfer any amount determined to be necessary under Subdivision (1) to the Texas mobility fund from the general revenue fund.

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01. This Act takes effect September 1, 2019.

HB 293 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative K. King called up with senate amendments for consideration at this time,

HB 293, A bill to be entitled An Act relating to investment training requirements for school district and municipal financial officers.

Representative K. King moved to concur in the senate amendments to **HB 293**.

The motion to concur in the senate amendments to **HB 293** prevailed by (Record 1698): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman;

Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.; Schaefer.

STATEMENT OF VOTE

When Record No. 1698 was taken, I was in the house but away from my desk. I would have voted yes.

Schaefer

Senate Committee Substitute

CSHB 293, A bill to be entitled An Act relating to investment training requirements for school district financial officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2256.008, Government Code, is amended by amending Subsection (a-1) and adding Subsection (g) to read as follows:

(a-1) Except as provided by Subsection (g) [~~In addition to the requirements of Subsection (a)(1)~~], the treasurer, or the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a school district or a municipality, in addition to the requirements of Subsection (a)(1), shall attend an investment training session not less than once in a two-year period that begins on the first day of the school district's or municipality's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than eight hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the school district or municipality, or by a designated investment committee advising the investment officer as provided for in the investment policy of the school district or municipality.

(g) Subsection (a-1) does not apply to the treasurer, chief financial officer, or investment officer of a school district if:

(1) the district:

(A) does not invest district funds; or

(B) only deposits those funds in:

(i) interest-bearing deposit accounts; or

(ii) certificates of deposit as authorized by Section 2256.010;

and

(2) the treasurer, chief financial officer, or investment officer annually submits to the agency a sworn affidavit identifying the applicable criteria under Subdivision (1) that apply to the district.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

(Speaker pro tempore in the chair)

HB 2775 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Krause called up with senate amendments for consideration at this time,

HB 2775, A bill to be entitled An Act relating to the movement of pedestrians in front of, under, between, or through rail cars at a railroad grade crossing.

Representative Krause moved to concur in the senate amendments to **HB 2775**.

The motion to concur in the senate amendments to **HB 2775** prevailed by (Record 1699): 121 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Biedermann; Blanco; Bohac; Bowers; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Ortega; Paddie; Parker; Perez; Phelan; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas.

Nays — Bell, C.; Bonnen; Buckley; Cain; Cyrier; Dean; Goldman; Harris; Hefner; Landgraf; Metcalf; Middleton; Murr; Oliverson; Pacheco; Patterson; Paul; Price; Schaefer; Stickland; Wilson; Wiener.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.

Senate Committee Substitute

CSHB 2775, A bill to be entitled An Act relating to the movement of pedestrians in front of, under, between, or through rail cars at a railroad grade crossing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 552, Transportation Code, is amended by adding Section 552.011 to read as follows:

Sec. 552.011. TRAIN OCCUPYING CROSSING. A pedestrian may not move in front of, under, between, or through the cars of a moving or stationary train occupying any part of a railroad grade crossing.

SECTION 2. This Act takes effect September 1, 2019.

**HB 4673 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Bailes called up with senate amendments for consideration at this time,

HB 4673, A bill to be entitled An Act relating to the creation of the Chambers County Municipal Utility District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Bailes moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 4673**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4673**: Bailes, chair; Anchia, C. Bell, Morrison, and Murphy.

**HB 4674 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Bailes called up with senate amendments for consideration at this time,

HB 4674, A bill to be entitled An Act relating to the creation of the Chambers County Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Bailes moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 4674**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4674**: Bailes, chair; Anchia, C. Bell, Morrison, and Murphy.

HB 692 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative White called up with senate amendments for consideration at this time,

HB 692, A bill to be entitled An Act relating to the suspension of a student who is homeless from public school.

Representative White moved to concur in the senate amendments to **HB 692**.

The motion to concur in the senate amendments to **HB 692** prevailed by (Record 1700): 140 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Murr; Oliverson.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.; Smithee.

Senate Committee Substitute

CSHB 692, A bill to be entitled An Act relating to the suspension of a student who is homeless from public school.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.005, Education Code, is amended by adding Subsection (d) to read as follows:

(d) A school district or open-enrollment charter school may not place a student who is homeless in out-of-school suspension unless the student engages in conduct described by Subsections (c)(1)-(3) while on school property or while attending a school-sponsored or school-related activity on or off of school property. The campus behavior coordinator may coordinate with the school district's homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless. In this subsection, "student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.

SECTION 2. This Act applies beginning with the 2019-2020 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

HB 1251 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 1251, A bill to be entitled An Act relating to fraternal benefit societies in a hazardous financial condition.

Representative S. Thompson moved to concur in the senate amendments to **HB 1251**.

The motion to concur in the senate amendments to **HB 1251** prevailed by (Record 1701): 119 Yeas, 22 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas.

Nays — Biedermann; Bonnen; Cain; Capriglione; Craddick; Cyrier; Darby; Dean; Goldman; Hefner; Holland; Lang; Leach; Middleton; Parker; Patterson; Paul; Schaefer; Stickland; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker; Moody(C); Zwiener.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.; Smithee.

STATEMENT OF VOTE

When Record No. 1701 was taken, I was shown voting yes. I intended to vote no.

Stucky

Senate Committee Substitute

CSHB 1251, A bill to be entitled An Act relating to fraternal benefit societies in a hazardous financial condition.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 885.311, Insurance Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) A fraternal benefit society shall provide in the fraternal benefit society's laws that if the society's reserves for any class of the society's benefit certificates become impaired, the society's supreme governing body or board of directors may require the certificate holders to pay the society an equitable proportion of the deficiency as determined by the governing body or board. The aggregate assessment for the impaired reserves may not exceed the total amount required to comply with Section 885.408.

(d) Not later than the 90th day before the proposed effective date of an assessment under Subsection (a), the fraternal benefit society shall file with the department an application for approval of the assessment and a statement sworn to by the president and secretary or corresponding officers of the society. The statement must:

(1) include:

(A) the terms of the assessment, including the proposed effective date; and

(B) a narrative statement of the financial condition of the fraternal benefit society; and

(2) state that the assessment:

(A) received approval by a majority vote of the supreme governing body or board of directors of the society; and

(B) complies with the requirements of this section.

(e) After the department receives a completed application, the commissioner may approve or disapprove the application. If the commissioner does not approve or disapprove the application before the 60th day after the date the department receives the completed application, the application is considered approved. The commissioner may impose an effective date earlier than the date requested in the application if the earlier effective date is in the best interests of the certificate holders.

SECTION 2. Section 885.407, Insurance Code, is amended to read as follows:

Sec. 885.407. SOLVENCY. (a) If a fraternal benefit society reports admissible assets greater than the society's liabilities in an amount that authorizes the commissioner to place the society under regulatory control and the commissioner reasonably believes the society's hazardous financial condition will not be promptly remedied without intervention by the department, the commissioner may order the society to promptly seek and negotiate an agreement to transfer in accordance with this section all benefit members, benefit certificates, assets, and liabilities of the society to another fraternal benefit society. A transfer under this section:

(1) may be by merger, consolidation, assumption, or otherwise;
(2) constitutes an entire novation of each benefit certificate transferred by the society in a hazardous financial condition, and the receiving society is legally and contractually responsible for each transferred certificate;

(3) must conclude before the deadline set by the commissioner;
(4) may be approved by a vote of the majority of the supreme governing body or board of directors of the society in a hazardous financial condition, notwithstanding Section 885.063(a)(2)(C) or any provision of the society's laws to the contrary; and

(5) is subject to approval by the commissioner.

(b) Not later than the seventh day before the date the supreme governing body or board of directors of a fraternal benefit society votes on a transfer proposed under Subsection (a), the governing body or board shall provide the society's certificate holders written notice of and an opportunity to comment on the proposed transfer. If the governing body or board approves the transfer, the governing body or board shall provide the certificate holders' comments to the commissioner.

(c) The supreme governing body or board of directors of a fraternal benefit society receiving benefit certificates pursuant to a transfer under an agreement described by Subsection (a) may suspend or modify qualifications for membership in the receiving society to the extent necessary to permit the society to accept the certificate holders of the society transferring certificates under the agreement, notwithstanding any provision of the receiving society's laws to the contrary.

(d) The commissioner may grant to a fraternal benefit society that is not authorized to engage in the business of insurance in this state the authority to service benefit certificates transferred pursuant to Subsection (a) and fulfill all obligations to the holders of the certificates. Commissioner action under this subsection does not authorize the fraternal benefit society to otherwise engage in the business of insurance in this state.

(e) A transfer under Subsection (a) may be made to an insurer that is not a fraternal benefit society if the insurer is authorized to engage in the business of insurance in this state. A holder of a certificate subject to a transfer as authorized by this subsection is deemed to agree that any term in the certificate, including a term that makes the certificate subject to the transferring society's laws or that provides for maintenance of the transferring society's solvency that is inconsistent with transfer to an insurer that is not a fraternal benefit society, is

void on transfer of the certificate. The receiving insurer shall endorse on a form approved by the commissioner each benefit certificate received by a transfer made under this section to reflect any terms of the certificate voided by this subsection. A certificate holder's obligation to pay an outstanding assessment under Section 885.311 that is not released under the transfer agreement is not released or voided by this subsection.

(f) The commissioner may request the attorney general bring an action under Section 885.502 to terminate a fraternal benefit society that fails to comply with an order under this section or fails to remedy the financial condition that gave rise to the order.

(g) The powers and authority of the commissioner under this section are cumulative and in addition to all other powers and authority to remediate the financial condition of a fraternal benefit society available to the commissioner. [A fraternal benefit society is considered solvent if its admissible assets are equal to or greater than its liabilities.]

SECTION 3. The changes in law made by this Act to Section 885.311, Insurance Code, apply only to an assessment by a fraternal benefit society with an effective date on or after January 1, 2020. An assessment by a fraternal benefit society with an effective date before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2019.

HB 1346 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative E. Thompson called up with senate amendments for consideration at this time,

HB 1346, A bill to be entitled An Act relating to the eligibility requirements for the diesel emissions reduction incentive program.

Representative E. Thompson moved to concur in the senate amendments to **HB 1346**.

The motion to concur in the senate amendments to **HB 1346** prevailed by (Record 1702): 121 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith;

Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Bonnen; Cain; Dean; Frank; Goldman; Harris; Hefner; King, P.; Krause; Lang; Leach; Leman; Middleton; Noble; Patterson; Schaefer; Springer; Stickland; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.; Swanson.

STATEMENT OF VOTE

When Record No. 1702 was taken, my vote failed to register. I would have voted no.

Swanson

Senate Committee Substitute

CSHB 1346, A bill to be entitled An Act relating to the eligibility requirements for the diesel emissions reduction incentive program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 386.104, Health and Safety Code, is amended by amending Subsection (c) and adding Subsections (c-1) and (c-2) to read as follows:

(c) Except as otherwise provided by this subsection, for ~~For~~ a proposed project as described by Section 386.102(b), other than a project involving a marine vessel or engine, not less than 75 percent of vehicle miles traveled or hours of operation projected for the five years immediately following the award of a grant must be projected to take place in a nonattainment area or affected county of this state. The commission may set the minimum percentage of vehicle miles traveled or hours of operation required to take place in a nonattainment area or affected county at a percentage and for a period that is different from the percentage and period specified by this subsection, provided that the commission may not set the minimum percentage at a level that is less than 55 percent. The commission may ~~also~~ allow vehicle travel on highways and roadways, or portions of a highway or roadway, designated by the commission and located outside a nonattainment area or affected county to count towards the percentage of use requirement in this subsection.

(c-1) For a proposed project involving a marine vessel or engine, the vessel or engine must be operated in the intercoastal waterways or bays adjacent to a nonattainment area or affected county of this state for a sufficient amount of time over the lifetime of the project, as determined by the commission, to meet the cost-effectiveness requirements of Section 386.105.

(c-2) For a proposed project involving non-road equipment used for natural gas recovery purposes, the equipment must be operated in a nonattainment area or affected county for a sufficient amount of use over the lifetime of the project, as determined by the commission, to meet the cost-effectiveness requirements of Section 386.105.

SECTION 2. This Act takes effect September 1, 2019.

HB 337 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Larson called up with senate amendments for consideration at this time,

HB 337, A bill to be entitled An Act relating to the use of emergency engine cutoff switches on motorboats.

Representative Larson moved to concur in the senate amendments to **HB 337**.

The motion to concur in the senate amendments to **HB 337** prevailed by (Record 1703): 115 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Ortega; Pacheco; Paddie; Parker; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Biedermann; Burns; Cain; Craddick; Cyrier; Goldman; Hefner; Krause; Landgraf; Lang; Leman; Middleton; Murr; Noble; Oliverson; Patterson; Paul; Sanford; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Toth; Wilson; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.; Nevárez; VanDeaver.

STATEMENT OF VOTE

When Record No. 1703 was taken, I was shown voting no. I intended to vote yes.

Cyrier

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 337** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 31.1071, Parks and Wildlife Code, strike Subsection (b) (page 1, lines 38 through 49) and substitute the following:

(b) A motorboat operator may not operate a motorboat less than 26 feet in length and equipped by the manufacturer with an engine cutoff switch while the motorboat is underway and moving at greater than headway speed without first verifying that the switch is operational and fully functional and properly attaching the lanyard or wireless attachment, as appropriate for the specific motorboat, to the operator's body or to the clothing or personal flotation device being worn by the operator.

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 31.127, Parks and Wildlife Code, is amended by adding Subsection (g) to read as follows:

(g) A person who operates a motorboat in violation of Section 31.1071 commits an offense punishable by a fine of not more than \$200.

**HB 1079 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Price called up with senate amendments for consideration at this time,

HB 1079, A bill to be entitled An Act relating to a study by the Texas Department of Transportation of the feasibility of certain improvements to Interstate Highway 27.

Representative Price moved to concur in the senate amendments to **HB 1079**.

The motion to concur in the senate amendments to **HB 1079** prevailed by (Record 1704): 126 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zerwas; Zwiener.

Nays — Burns; Cain; Geren; Hefner; Krause; Lang; Middleton; Noble; Oliverson; Patterson; Schaefer; Stickland; Stucky; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.; Turner, C.

STATEMENTS OF VOTE

When Record No. 1704 was taken, I was shown voting no. I intended to vote yes.

Geren

When Record No. 1704 was taken, I was shown voting yes. I intended to vote no.

Landgraf

Senate Committee Substitute

CSHB 1079, A bill to be entitled An Act relating to a study by the Texas Department of Transportation of the Ports-to-Plains Corridor, including an evaluation of the feasibility of certain improvements to Interstate Highway 27.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) In this Act:

(1) "Advisory committee" means the Ports-to-Plains Advisory Committee established under this section.

(2) "Department" means the Texas Department of Transportation.

(3) "Improvement" has the meaning assigned by Section 221.001, Transportation Code.

(4) "Port of entry" has the meaning assigned by Section 621.001, Transportation Code.

(5) "Ports-to-Plains Corridor" means the highways designated as the Ports-to-Plains Corridor under Section 225.069, Transportation Code.

(b) The department shall conduct a comprehensive study of the Ports-to-Plains Corridor. The study must evaluate the feasibility of, and the costs and logistical matters associated with, improvements that create a continuous flow, four-lane divided highway that meets interstate highway standards to the extent possible, including improvements that:

(1) extend Interstate Highway 27:

(A) from its southern terminus to Interstate Highway 20;

(B) from Interstate Highway 20 to Interstate Highway 10; and

(C) from Interstate Highway 10 to the port of entry located in

Laredo;

(2) extend Interstate Highway 27:

(A) from its northern terminus to Dumas;

(B) from Dumas to Stratford; and

(C) from Stratford to the Oklahoma state border; and

(3) extend Interstate Highway 27:

(A) from its northern terminus to Dumas;

(B) from Dumas to Dalhart; and

(C) from Dalhart to the New Mexico state border.

(c) In conducting the study under Subsection (b) of this section, the department shall:

(1) use the reports submitted to the department by the advisory committee under Subsection (j) of this section; and

(2) hold quarterly public meetings on a rotational basis in Amarillo, Laredo, Lubbock, and San Angelo to gather public feedback on improvements or expansions to the Ports-to-Plains Corridor.

(d) The department shall establish a Ports-to-Plains Advisory Committee to assist the department in conducting the study under Subsection (b) of this section.

(e) The advisory committee is composed of:

(1) the county judge, or an elected county official or the administrator of the county's road department, as designated by the county judge, of each county along the Ports-to-Plains Corridor, including the counties along the possible extensions of Interstate Highway 27 described by Subsection (b) of this section; and

(2) the mayor, or the city manager or assistant city manager, as designated by the mayor, of Amarillo, Big Spring, Carrizo Springs, Dalhart, Del Rio, Dumas, Eagle Pass, Eldorado, Lamesa, Laredo, Lubbock, Midland, Odessa, San Angelo, Sonora, Sterling City, Stratford, and Tahoka.

(f) The advisory committee shall meet at least twice each year on a rotational basis in Lubbock and San Angelo.

(g) The department, in conjunction with the advisory committee, shall establish segment committees for each geographic segment along the Ports-to-Plains Corridor as determined by the department. The segment committees are composed of:

(1) volunteers who may represent:

(A) municipalities, counties, metropolitan planning organizations, ports, chambers of commerce, and economic development organizations along that segment of the Ports-to-Plains Corridor;

(B) the oil and gas industry; and

(C) the trucking industry;

(2) department representatives; and

(3) any other interested parties.

(h) A segment committee established under Subsection (g) of this section for a segment along the Ports-to-Plains Corridor shall submit a report to the advisory committee providing input for the study conducted by the department under Subsection (b) of this section. The report must include:

(1) an examination of the ability of the energy industry to transport products to market;

(2) an evaluation of the economic development impacts of the Ports-to-Plains Corridor, including whether the improvement or expansion of the Ports-to-Plains Corridor would create employment opportunities in this state;

(3) a determination of whether improvements or expansion of the Ports-to-Plains Corridor would relieve traffic congestion in the segment;

(4) an examination of freight movement along the Ports-to-Plains Corridor;

(5) a determination and prioritization of improvements and expansion of the Ports-to-Plains Corridor that are warranted in order to promote safety and mobility, while maximizing the use of existing highways to the greatest extent possible and striving to protect private property as much as possible;

(6) a determination of the areas that are preferable and suitable for interstate designation;

(7) an examination of project costs related to the improvement or expansion of the Ports-to-Plains Corridor; and

(8) an assessment of federal, state, local, and private funding sources for a project improving or expanding the Ports-to-Plains Corridor.

(i) Not later than June 30, 2020, each segment committee established under Subsection (g) of this section shall submit to the advisory committee the report described by Subsection (h) of this section, including priority recommendations for improvement and expansion of the Ports-to-Plains Corridor.

(j) Not later than October 31, 2020, the advisory committee shall review and compile the reports submitted by each segment committee under Subsection (i) of this section and submit to the department:

(1) the reports submitted by each segment committee; and

(2) a summary and any recommendations based on those reports.

(k) The advisory committee and each segment committee shall conduct extensive public involvement campaigns for feedback on preliminary recommendations made by the committees before submitting the reports under Subsections (i) and (j) of this section.

(l) Not later than January 1, 2021, the department shall submit a report on the results of the study conducted under Subsection (b) of this section to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the legislature with jurisdiction over transportation matters.

(m) This Act expires August 31, 2021.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

HB 511 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Wilson called up with senate amendments for consideration at this time,

HB 511, A bill to be entitled An Act relating to the enforcement of commercial motor vehicle safety standards in certain counties.

Representative Wilson moved to concur in the senate amendments to **HB 511**.

The motion to concur in the senate amendments to **HB 511** prevailed by (Record 1705): 129 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Stephenson; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Bonnen; Cain; Capriglione; Goldman; Hefner; Leach; Noble; Oliverson; Patterson; Springer; Stickland; Stucky.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Blanco; Johnson, J.D.; Rosenthal.

Senate Committee Substitute

CSHB 511, A bill to be entitled An Act relating to the enforcement of commercial motor vehicle safety standards in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 644.101(c), Transportation Code, is amended to read as follows:

(c) A sheriff or a deputy sheriff of any of the following counties ~~[a county bordering the United Mexican States or of a county with a population of 700,000 or more]~~ is eligible to apply for certification under this section:

(1) a county bordering the United Mexican States;

(2) a county with a population of 700,000 or more; or

(3) a county with a population of 400,000 or more that borders the county in which the State Capitol is located.

SECTION 2. Section 644.102, Transportation Code, is amended by adding Subsection (h) to read as follows:

(h) The department may revoke or rescind the authority of a municipality or county to engage in enforcement under this chapter if the municipality or county fails to comply with this section or any standard established under Subsection (a).

SECTION 3. This Act takes effect September 1, 2019.

**HB 88 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Swanson called up with senate amendments for consideration at this time,

HB 88, A bill to be entitled An Act relating to the order of candidate names on an election ballot.

Representative Swanson moved to concur in the senate amendments to **HB 88**.

The motion to concur in the senate amendments to **HB 88** prevailed by (Record 1706): 124 Yeas, 18 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Murphy; Neave; Nevárez; Ortega; Parker; Paul; Perez; Phelan; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Ashby; Bonnen; Capriglione; Dean; Frank; Goldman; Harris; Hefner; Leach; Muñoz; Murr; Noble; Oliverson; Pacheco; Paddie; Patterson; Price; Springer.

Present, not voting — Mr. Speaker; Moody(C); Rose.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.

Senate Committee Substitute

CSHB 88, A bill to be entitled An Act relating to an election ballot.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2.002(d), Election Code, is amended to read as follows:

(d) The order of the candidates' names on the ballot shall be the relative order of names on the original ballot ~~[determined by a drawing in accordance with Section 52.094].~~

SECTION 2. Section 52.075, Election Code, is amended to read as follows:

Sec. 52.075. MODIFICATION OF BALLOT FORM FOR CERTAIN VOTING SYSTEMS. (a) The secretary of state may prescribe the form and content of a ballot for an election using a voting system, including an electronic voting system or a voting system that uses direct recording electronic voting machines or ballot marking devices, to conform to the formatting requirements of the system.

(b) In this section, "ballot marking device," "direct recording electronic voting machine," "electronic voting system," and "voting system" have the meanings assigned by Section 121.003.

SECTION 3. Sections 52.094(a) and (c), Election Code, are amended to read as follows:

(a) Except as otherwise provided by law, for an election at which the names of more than one candidate for the same office are to appear on the ballot in an independent column or are to appear on a general or special election ballot that does not contain a party nominee, the order of the candidates' names shall be determined by a drawing. The order of the candidates' names on the ballot of any resulting runoff election or election held to resolve a tie vote shall be the relative order of names on the original election ballot.

(c) The authority conducting the drawing shall post in the authority's office a notice of the date, hour, and place of the drawing. The notice must remain posted continuously for 72 hours immediately preceding the scheduled time of the drawing~~[-except that for a runoff election or an election held to resolve a tie vote, the notice must remain posted for 24 hours immediately preceding the scheduled time of the drawing].~~

SECTION 4. Section 121.003, Election Code, is amended by adding Subdivision (13) to read as follows:

(13) "Ballot marking device" means a voting system with an electronic interface that allows a voter to mark a paper ballot.

SECTION 5. This Act takes effect September 1, 2019.

HB 109 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Martinez called up with senate amendments for consideration at this time,

HB 109, A bill to be entitled An Act relating to the operation of open-enrollment charter schools on Memorial Day.

Representative Martinez moved to concur in the senate amendments to **HB 109**.

The motion to concur in the senate amendments to **HB 109** prevailed by (Record 1707): 135 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin;

Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Hefner; Lang; Middleton; Stickland.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Blanco; Johnson, J.D.; Rosenthal.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 109** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 12A.004(a), Education Code, is amended to read as follows:

(a) A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the following provisions of this title:

(1) a state or federal requirement applicable to an open-enrollment charter school operating under Subchapter D, Chapter 12, except that a district may be exempt from Section 25.081(f);

(2) Subchapters A, C, D, and E, Chapter 11, except that a district may be exempt from Sections 11.1511(b)(5) and (14) and Section 11.162;

(3) state curriculum and graduation requirements adopted under Chapter 28; and

(4) academic and financial accountability and sanctions under Chapters 39 and 39A.

HB 477 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Murphy called up with senate amendments for consideration at this time,

HB 477, A bill to be entitled An Act relating to the notice required before the issuance of certain debt obligations by political subdivisions.

Representative Murphy moved to concur in the senate amendments to **HB 477**.

The motion to concur in the senate amendments to **HB 477** prevailed by (Record 1708): 138 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Dean; Noble; Wilson.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.; Rose.

Senate Committee Substitute

CSHB 477, A bill to be entitled An Act relating to the notice required before the issuance of certain debt obligations by political subdivisions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 3.009, Election Code, is amended to read as follows:

Sec. 3.009. CONTENTS OF DEBT OBLIGATION ELECTION ORDER.

(a) In this section, "debt obligation" means an issued public security, as defined by Section 1201.002, Government Code, that is secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.

(b) The document ordering an election to authorize a political subdivision to issue debt obligations must distinctly state:

- (1) the proposition language that will appear on the ballot;
- (2) the purpose for which the debt obligations are to be authorized;
- (3) the principal amount of the debt obligations to be authorized;
- (4) that taxes sufficient to pay the ~~annual~~ principal of and interest on the debt obligations may be imposed;

(5) a statement of the estimated tax rate if the debt obligations are authorized or of the maximum interest rate of the debt obligations or any series of the debt obligations, based on the market conditions at the time of the election order;

(6) the maximum maturity date of the debt obligations to be authorized or that the debt obligations may be issued to mature over a specified number of years not to exceed the maximum number of years authorized by law ~~[40]~~;

(7) the aggregate amount of the outstanding principal of the political subdivision's debt obligations as of the date ~~[beginning of the political subdivision's fiscal year in which]~~ the election is ordered;

(8) the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the date ~~[beginning of the political subdivision's fiscal year in which]~~ the election is ordered, which may be based on the political subdivision's expectations relative to variable rate debt obligations; and

(9) the ad valorem debt service tax rate for the political subdivision at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property.

SECTION 2. Section 52.072, Election Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of ~~[the issuance of bonds or]~~ the imposition, increase, or reduction of a tax shall specifically state, as applicable:

(1) ~~[with respect to a proposition seeking voter approval of the issuance of bonds:~~

~~[(A) the total principal amount of the bonds to be authorized, if approved; and~~

~~[(B) a general description of the purposes for which the bonds are to be authorized, if approved;~~

~~[(2)]~~ with respect to a proposition that only seeks voter approval of the imposition or increase of a tax, the amount of or maximum tax rate of the tax or tax increase for which approval is sought; or

(2) ~~[(2)]~~ with respect to a proposition that only seeks voter approval of the reduction of a tax, the amount of tax rate reduction or the tax rate for which approval is sought.

(f) A political subdivision that submits to the voters a proposition for the approval of the issuance of debt obligations shall prescribe the wording of the proposition that is to appear on the ballot in accordance with the requirements of Subchapter B, Chapter 1251, Government Code. In this subsection, "debt obligation" and "political subdivision" have the meanings assigned by Section 1251.051, Government Code.

SECTION 3. Chapter 1251, Government Code, is amended by designating Sections 1251.001, 1251.003, 1251.004, 1251.005, and 1251.006 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. PROVISIONS RELATING GENERALLY TO COUNTY
AND MUNICIPAL BOND ELECTIONS

SECTION 4. Chapter 1251, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. BALLOT FOR DEBT OBLIGATIONS ISSUED BY
POLITICAL SUBDIVISION

Sec. 1251.051. DEFINITIONS. In this subchapter:

(1) "Debt obligation" means a public security, as defined by Section 1201.002, secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.

(2) "Debt obligation election order" means the order, ordinance, or resolution ordering an election to authorize the issuance of debt obligations.

(3) "Political subdivision" means a municipality, county, school district, or special taxing district.

Sec. 1251.052. FORM. (a) The ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision shall specifically state:

(1) a general description of the purposes for which the debt obligations are to be authorized;

(2) the total principal amount of the debt obligations to be authorized;

(3) that taxes sufficient to pay the principal of and interest on the debt obligations will be imposed; and

(4) the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the political subdivision with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved.

(b) A political subdivision with at least 250 registered voters on the date the governing body of the political subdivision adopts the debt obligation election order must prepare a voter information document for each proposition to be voted on at the election. The political subdivision shall post the voter information document in the same manner as a debt obligation election order is required to be posted under Section 4.003(f), Election Code, and may include the voter information document in the debt obligation election order. The voter information document must distinctly state:

(1) the language that will appear on the ballot;

(2) the following information formatted as a table:

(A) the principal of the debt obligations to be authorized;

(B) the estimated interest on the debt obligations to be authorized;

(C) the estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized; and

(D) as of the date the political subdivision adopts the debt obligation election order:

(i) the principal of all outstanding debt obligations of the political subdivision;

(ii) the estimated remaining interest on all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt obligations; and

(iii) the estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt obligations;

(3) the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the political subdivision with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved, based upon assumptions made by the governing body of the political subdivision; and

(4) any other information that the political subdivision considers relevant or necessary to explain the information required by this subsection.

(c) The governing body of the political subdivision shall identify in the voter information document the major assumptions made in connection with the statement required by Subsection (b)(3), including:

(1) the amortization of the political subdivision's debt obligations, including outstanding debt obligations and the proposed debt obligations;

(2) changes in estimated future appraised values within the political subdivision; and

(3) the assumed interest rate on the proposed debt obligations.

(d) A political subdivision that maintains an Internet website shall provide the information described by Subsection (b) on its website in an easily accessible manner beginning not later than the 21st day before election day and ending on the day after the date of the debt obligation election.

(e) This section provides the ballot proposition language for an election to authorize the issuance of debt obligations by a political subdivision. To the extent of a conflict between this section and another law, this section controls.

SECTION 5. Section 271.049, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) Regardless of the sources of payment of certificates, certificates may not be issued unless the issuer publishes notice of its intention to issue the certificates. The notice must be published:

(1) once a week for two consecutive weeks in a newspaper, as defined by Subchapter C, Chapter 2051, Government Code, that is of general circulation in the area of the issuer, with the date of the first publication to be before the 45th [30th] day before the date tentatively set for the passage of the order or ordinance authorizing the issuance of the certificates; and

(2) if the issuer maintains an Internet website, continuously on the issuer's website for at least 45 days before the date tentatively set for the passage of the order or ordinance authorizing the issuance of the certificates.

(b) The notice must state:

(1) the time and place tentatively set for the passage of the order or ordinance authorizing the issuance of the certificates;

(2) the ~~[maximum amount and]~~ purpose of the certificates to be authorized; ~~[and]~~

(3) the manner in which the certificates will be paid for, whether by taxes, revenues, or a combination of the two;

(4) the following:

(A) the then-current principal of all outstanding debt obligations of the issuer;

(B) the then-current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full, which may be based on the issuer's expectations relative to the interest due on any variable rate debt obligations;

(C) the maximum principal amount of the certificates to be authorized; and

(D) the estimated combined principal and interest required to pay the certificates to be authorized on time and in full;

(5) the estimated interest rate for the certificates to be authorized or that the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and

(6) the maximum maturity date of the certificates to be authorized.

(e) In this section, "debt obligation" means a public security, as defined by Section 1201.002, Government Code, secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.

SECTION 6. Section 1251.002, Government Code, is repealed.

SECTION 7. (a) The changes in law made by this Act to Chapter 1251, Government Code, apply only to a ballot for an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act to Section 271.049, Local Government Code, apply only to a certificate of obligation for which the first notice of intention to issue the certificate is made on or after the effective date of this Act. A certificate of obligation for which the first notice of intention to issue the certificate is made before the effective date of this Act is governed by the law in effect when the notice of intention is made, and the former law is continued in effect for that purpose.

SECTION 8. This Act takes effect September 1, 2019.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 477** (Senate committee printing) as follows:

(1) In SECTION 4 of the bill, in added Section 1251.052(a)(2), Government Code (page 2, line 56), following the underscored semicolon, add "and".

(2) In SECTION 4 of the bill, in added Section 1251.052(a)(3), Government Code (page 2, line 58), strike "; and" and substitute ".".

(3) In SECTION 4 of the bill, strike added Section 1251.052(a)(4), Government Code (page 2, lines 59-62).

(4) In SECTION 4 of the bill, in added Section 1251.052(b)(2)(B), Government Code (page 3, line 8), strike "on" and substitute "for".

HB 1528 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Rose called up with senate amendments for consideration at this time,

HB 1528, A bill to be entitled An Act relating to the reporting of certain information involving family violence offenses.

Representative Rose moved to concur in the senate amendments to **HB 1528**.

The motion to concur in the senate amendments to **HB 1528** prevailed by (Record 1709): 102 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burrows; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Goldman; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, T.; Lambert; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Ortega; Pacheco; Parker; Perez; Phelan; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Sherman; Shine; Smithee; Stephenson; Talarico; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Ashby; Bell, C.; Biedermann; Burns; Cain; Capriglione; Craddick; Cyrier; Darby; Dean; Geren; Hefner; Holland; King, P.; Klick; Krause; Kuempel; Landgraf; Lang; Leman; Metcalf; Middleton; Miller; Murr; Oliverson; Paddie; Patterson; Paul; Price; Schaefer; Shaheen; Smith; Springer; Stickland; Stucky; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — González, M.; Johnson, J.D.; Thierry.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1528** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Article 27.14(b), Code of Criminal Procedure, is amended to read as follows:

(b) A defendant charged with a misdemeanor for which the maximum possible punishment is by fine only may, in lieu of the method provided in Subsection (a), mail or deliver in person to the court a plea of "guilty" or a plea of "nolo contendere" and a waiver of jury trial. The defendant may also request in writing that the court notify the defendant, at the address stated in the request, of

the amount of an appeal bond that the court will approve. If the court receives a plea and waiver before the time the defendant is scheduled to appear in court, the court shall dispose of the case without requiring a court appearance by the defendant. If the court receives a plea and waiver after the time the defendant is scheduled to appear in court but at least five business days before a scheduled trial date, the court shall dispose of the case without requiring a court appearance by the defendant. The court shall notify the defendant either in person or by regular mail of the amount of any fine or costs assessed in the case, information regarding the alternatives to the full payment of any fine or costs assessed against the defendant, if the defendant is unable to pay that amount, and, if requested by the defendant, the amount of an appeal bond that the court will approve. Except as otherwise provided by this code, the defendant shall pay any fine or costs assessed or give an appeal bond in the amount stated in the notice before the 31st day after receiving the notice. This subsection does not apply to a defendant charged with a misdemeanor involving family violence, as defined by Section 71.004, Family Code.

SECTION _____. Article 27.14(e)(2), Code of Criminal Procedure, is amended to read as follows:

(2) The court may provide the admonishment under Subdivision (1) orally or in writing~~[-, except that if the defendant is charged with a misdemeanor punishable by fine only, the statement printed on a citation issued under Article 14.06(b) may serve as the court admonishment required by this subsection].~~

SECTION _____. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0211 to read as follows:

Art. 45.0211. PLEA BY DEFENDANT CHARGED WITH FAMILY VIOLENCE OFFENSE. (a) In this article, "family violence" has the meaning assigned by Section 71.004, Family Code.

(b) If a defendant is charged with an offense involving family violence, the judge or justice must take the defendant's plea in open court.

SECTION _____. Article 27.14, Code of Criminal Procedure, as amended by this Act, and Article 45.0211, Code of Criminal Procedure, as added by this Act, apply only to the entry of a plea with respect to an offense committed on or after the effective date of this Act. The entry of a plea with respect to an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

HB 25 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative M. González called up with senate amendments for consideration at this time,

HB 25, A bill to be entitled An Act relating to a pilot program for providing services to certain women and children under the Medicaid medical transportation program.

Representative M. González moved to concur in the senate amendments to **HB 25**.

The motion to concur in the senate amendments to **HB 25** prevailed by (Record 1710): 114 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Blanco; Bohac; Bonnen; Bowers; Bucy; Burns; Burrows; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Kuempel; Lambert; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Shaheen; Sheffield; Sherman; Shine; Smith; Smith; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zerwas; Zwiener.

Nays — Bell, C.; Biedermann; Buckley; Cain; Capriglione; Craddick; Cyrier; Hefner; Holland; Klick; Krause; Landgraf; Lang; Leman; Metcalf; Middleton; Miller; Murr; Noble; Paul; Sanford; Schaefer; Stickland; Swanson; Tinderholt; Toth; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.

Senate Committee Substitute

CSHB 25, A bill to be entitled An Act relating to a pilot program for providing services to certain women and children under the Medicaid medical transportation program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.024141 to read as follows:

Sec. 531.024141. PILOT PROGRAM FOR PROVIDING MEDICAL TRANSPORTATION PROGRAM SERVICES TO PREGNANT WOMEN AND NEW MOTHERS. (a) In this section:

(1) "Demand response transportation services" means medical transportation program services that are provided by dispatching a transportation service provider's vehicle in response to a request from a client or by a shared one-way trip.

(2) "Managed transportation organization" has the meaning assigned by Section 533.00257.

(3) "Medicaid managed care organization" means a managed care organization as defined by Section 533.001 that contracts with the commission under Chapter 533 to provide health care services to Medicaid recipients.

(4) "Medical transportation program" has the meaning assigned by Section 531.02414.

(b) The commission, in collaboration with the Maternal Mortality and Morbidity Task Force established under Chapter 34, Health and Safety Code, shall develop and, not later than September 1, 2020, implement a pilot program in at least one health care service region, as defined by Section 533.001, that allows for a managed transportation organization that participates in the pilot program to arrange for and provide medical transportation program services to:

(1) a woman who is enrolled in the STAR Medicaid managed care program during the woman's pregnancy and after she delivers; and

(2) the child of a woman described by Subdivision (1) who accompanies the woman.

(c) A managed transportation organization that participates in the pilot program shall:

(1) arrange for and provide the medical transportation program services described by Subsection (b) in a manner that does not result in additional costs to Medicaid or the commission;

(2) arrange for and provide demand response transportation services, including, to the extent allowed by law, through a transportation network company as defined by Section 2402.001, Occupations Code, to a woman described by Subsection (b) if:

(A) the request for transportation services is made during a period of time determined by commission rules before the woman requires transportation in order to receive a covered health care service; or

(B) the woman receiving medical transportation program services needs to travel directly to and from a location to receive a covered health care service and cannot be a participant in a shared trip; and

(3) ensure that the managed transportation organization and the managed care organization through which a woman described by Subsection (b) receives health care services effectively share information and coordinate services for the woman.

(d) In developing the pilot program, the commission shall ensure that a managed transportation organization participating in the pilot program provides medical transportation services in a safe and efficient manner.

(e) Not later than December 1, 2020, the commission shall report to the legislature on the implementation of the pilot program.

(f) The commission shall evaluate the results of the pilot program and determine whether the program:

(1) is cost-effective;

(2) improves the efficiency and quality of services provided under the medical transportation program; and

(3) is effective in:

(A) increasing access to prenatal and postpartum health care services;

(B) reducing pregnancy-related complications; and

(C) decreasing the rate of missed appointments for covered health care services by women enrolled in the STAR Medicaid managed care program.

(g) Not later than December 1, 2022, the commission shall submit a report to the legislature on the results of the pilot program. The commission shall include in the report a recommendation regarding whether the pilot program should continue, be expanded, or terminate.

(h) The executive commissioner:

(1) shall adopt rules specifying the number of days or hours before transportation services are needed that a request for the services must be made for purposes of Subsection (c)(2)(A); and

(2) may adopt other rules to implement this section.

(i) This section expires September 1, 2023.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 3. This Act takes effect September 1, 2019.

HB 1070 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Price called up with senate amendments for consideration at this time,

HB 1070, A bill to be entitled An Act relating to the mental health first aid training program reporting requirements.

Representative Price moved to concur in the senate amendments to **HB 1070**.

The motion to concur in the senate amendments to **HB 1070** prevailed by (Record 1711): 135 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman;

Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Hefner; Krause; Lang; Middleton; Patterson; Schaefer; Stickland.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Senate Committee Substitute

CSHB 1070, A bill to be entitled An Act relating to the mental health first aid training program reporting requirements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.205, Health and Safety Code, is amended to read as follows:

Sec. 1001.205. REPORTS. (a) Not later than September 30 of each year, a local mental health authority shall provide to the department the number of:

(1) employees and contractors of the authority who were trained as mental health first aid trainers under Section 1001.202 during the preceding fiscal year, the number of trainers who left the program for any reason during the preceding fiscal year, and the number of active trainers;

(2) university employees, school district employees, and school resource officers who completed a mental health first aid training program offered by the authority under Section 1001.203 during the preceding fiscal year categorized by local mental health authority region, university or school district, as applicable, and category of personnel; and

(3) individuals who are not university employees, school district employees, or school resource officers who completed a mental health first aid training program offered by the authority during the preceding fiscal year.

(b) Not later than December 1 of each year, the department shall compile the information submitted by local mental health authorities as required by Subsection (a) and submit a report to the legislature containing ~~the number of~~:

(1) the number of authority employees and contractors trained as mental health first aid trainers during the preceding fiscal year, the number of trainers who left the program for any reason during the preceding fiscal year, and the number of active trainers;

(2) the number of university employees, school district employees, and school resource officers who completed a mental health first aid training program provided by an authority during the preceding fiscal year categorized by local mental health authority region, university or school district, as applicable, and category of personnel; ~~and~~

(3) the number of individuals who are not university employees, school district employees, or school resource officers who completed a mental health first aid training program provided by an authority during the preceding fiscal year; and

(4) a detailed accounting of expenditures of money appropriated for the purpose of implementing this subchapter.

(c) The department shall develop and provide to local mental health authorities a form to be used for the reporting of information required under Subsection (a), including the reporting of each category of personnel described by that subsection.

SECTION 2. (a) Section 1001.205(a), Health and Safety Code, as amended by this Act, applies only to a report due under that subsection after December 31, 2019. A report due under that subsection before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Section 1001.205(b), Health and Safety Code, as amended by this Act, applies only to a report due under that subsection after March 1, 2020. A report due under that subsection before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(c) Not later than May 1, 2020, the Health and Human Services Commission shall develop and make available the form required under Section 1001.205(c), Health and Safety Code, as added by this Act.

SECTION 3. This Act takes effect December 1, 2019.

HB 2164 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Burns called up with senate amendments for consideration at this time,

HB 2164. A bill to be entitled An Act relating to imposing civil and criminal penalties for prohibiting or otherwise restricting a peace officer or special investigator from carrying a weapon on certain premises open to the public; creating a criminal offense.

Representative Burns moved to concur in the senate amendments to **HB 2164**.

The motion to concur in the senate amendments to **HB 2164** prevailed by (Record 1712): 139 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond;

Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Bowers; Israel; Ramos; Thompson, S.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Nevárez.

Senate Committee Substitute

CSHB 2164, A bill to be entitled An Act relating to imposing a civil penalty for prohibiting or otherwise restricting a peace officer or special investigator from carrying a weapon on certain premises open to the public.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.1305, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) An establishment serving the public that violates this article is subject to a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection. Money collected under this subsection shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION 2. This Act takes effect September 1, 2019.

HB 1325 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative T. King called up with senate amendments for consideration at this time,

HB 1325, A bill to be entitled An Act relating to the production and regulation of hemp and products made from hemp; requiring authorization to produce hemp; authorizing penalties; authorizing fees.

Representative T. King moved to concur in the senate amendments to **HB 1325**.

The motion to concur in the senate amendments to **HB 1325** prevailed by (Record 1713): 140 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio;

Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Craddick; Holland; Murr.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Burns.

STATEMENT OF VOTE

When Record No. 1713 was taken, my vote failed to register. I would have voted no.

Burns

Senate Committee Substitute

CSHB 1325, A bill to be entitled An Act relating to the production and regulation of hemp; requiring occupational licenses; authorizing fees; creating criminal offenses; providing civil and administrative penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.020(c), Agriculture Code, is amended to read as follows:

(c) The provisions of law subject to this section and the applicable penalty amounts are as follows:

Provision	Amount of Penalty
Chapters 13, 14A, 17, 18, 19, 41, 46, 61, 72, 73, 74, 76, 94, 95, 101, 102, 103, <u>122</u> , 125, 132, and 134	not more than \$5,000
Subchapters A, B, and C, Chapter 71	not more than \$5,000
Chapter 14	not more than \$10,000
Chapter 1951, Occupations Code	not more than \$5,000
Chapter 153, Natural Resources Code	not more than \$5,000
Section 91.009	not more than \$5,000.

SECTION 2. Title 5, Agriculture Code, is amended by adding Subtitle F to read as follows:

SUBTITLE F. HEMP

CHAPTER 121. STATE HEMP PRODUCTION PLAN

Sec. 121.001. DEFINITION. In this chapter, "hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

Sec. 121.002. LEGISLATIVE INTENT. It is the intent of the legislature that this state have primary regulatory authority over the production of hemp in this state.

Sec. 121.003. STATE PLAN. (a) The department, after consulting with the governor and attorney general, shall develop a state plan to monitor and regulate the production of hemp in this state. The plan must comply with:

(1) 7 U.S.C. Section 1639p;

(2) Chapter 122; and

(3) Chapter 443, Health and Safety Code.

(b) The department shall submit the plan developed under Subsection (a) to the secretary of the United States Department of Agriculture as this state's plan for monitoring and regulating the production of hemp as provided by 7 U.S.C. Section 1639p.

(c) If a plan submitted under Subsection (b) is disapproved by the secretary of the United States Department of Agriculture, the department, after consulting with the governor and attorney general, shall amend the plan as needed to obtain approval and submit an amended plan.

(d) The department shall, as necessary, seek technical assistance from the secretary of the United States Department of Agriculture and other state agencies in developing the plan under this section.

Sec. 121.004. RULES. The department may adopt any rules necessary to implement and administer the state plan under Section 121.003.

CHAPTER 122. CULTIVATION OF HEMP

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 122.001. DEFINITIONS. In this chapter:

(1) "Cultivate" means to plant, irrigate, cultivate, or harvest a hemp plant.

(2) "Governing person" has the meaning assigned by Section 1.002, Business Organizations Code.

(3) "Handle" means to possess or store a hemp plant:

(A) on premises owned, operated, or controlled by a license holder for any period of time; or

(B) in a vehicle for any period of time other than during the actual transport of the plant from a premises owned, operated, or controlled by a license holder to:

(i) a premises owned, operated, or controlled by another license holder; or

(ii) a person licensed under Chapter 443, Health and Safety

Code.

(4) "Hemp" has the meaning assigned by Section 121.001.

(5) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(6) "License" means a hemp grower's license issued under Subchapter

C.

(7) "License holder" means an individual or business entity holding a license.

(8) "Nonconsumable hemp product" means a product that contains hemp, other than a consumable hemp product as defined by Section 443.001, Health and Safety Code. The term includes cloth, cordage, fiber, fuel, paint, paper, particleboard, and plastics derived from hemp.

(9) "Plot" means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or cultivar of hemp throughout the area.

Sec. 122.002. LOCAL REGULATION PROHIBITED. A municipality, county, or other political subdivision of this state may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, handling, transportation, or sale of hemp as authorized by this chapter.

Sec. 122.003. STATE HEMP PRODUCTION ACCOUNT. (a) The state hemp production account is an account in the general revenue fund administered by the department.

(b) The account consists of:

(1) appropriations of money to the account by the legislature;

(2) public or private gifts, grants, or donations, including federal funds, received for the account;

(3) fees received under Section 122.052;

(4) interest and income earned on the investment of money in the account;

(5) penalties collected under this chapter other than a civil penalty collected under Subchapter H; and

(6) funds from any other source deposited in the account.

(c) The department may accept appropriations and gifts, grants, or donations from any source to administer and enforce this subtitle. Money received under this subsection shall be deposited in the account.

(d) Money in the account may be appropriated only to the department for the administration and enforcement of this subtitle.

Sec. 122.004. SEVERABILITY. (a) A provision of this chapter or its application to any person or circumstance is invalid if the secretary of the United States Department of Agriculture determines that the provision or application conflicts with 7 U.S.C. Chapter 38, Subchapter VII, and prevents the approval of the state plan submitted under Chapter 121.

(b) The invalidity of a provision or application under Subsection (a) does not affect the other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SUBCHAPTER B. POWERS AND DUTIES OF DEPARTMENT

Sec. 122.051. DEPARTMENT RULES AND PROCEDURES. (a) The department shall adopt rules and procedures necessary to implement, administer, and enforce this chapter.

(b) Rules adopted under Subsection (a) must:

(1) prescribe sampling, inspection, and testing procedures, including standards and procedures for the calibration of laboratory equipment, to ensure that the delta-9 tetrahydrocannabinol concentration of hemp plants cultivated in this state is not more than 0.3 percent on a dry weight basis; and

(2) provide due process consistent with Chapter 2001, Government Code, including an appeals process, to protect license holders from the consequences of imperfect test results.

Sec. 122.052. FEES. (a) The department shall set and collect:

(1) an application fee for an initial license in an amount not to exceed \$100;

(2) a license renewal fee in an amount not to exceed \$100;

(3) a participation fee for each location described by Section 122.103(a)(1) and each location added after the application is submitted in an amount not to exceed \$100;

(4) a site modification fee for each change to a location described by Section 122.103(a)(1) in an amount not to exceed \$500; and

(5) a collection and testing fee for each preharvest test or postharvest test if performed by the department in an amount not to exceed \$300.

(b) A fee set by the department under this section may not exceed the amount necessary to administer this chapter. The comptroller may authorize the department to collect a fee described by Subsection (a) in an amount greater than the maximum amount provided by that subsection if necessary to cover the department's costs of administering this chapter.

(c) The department may not set or collect a fee associated with the cultivation of hemp that is not listed in Subsection (a), other than:

(1) a fee for the organic certification of hemp under Chapter 18 or for participation in another optional marketing program; or

(2) a fee for the certification of seed or plants under Chapter 62.

(d) Fees collected by the department under this chapter are not refundable and may be appropriated only to the department for the purpose of administering this chapter.

Sec. 122.053. INSPECTIONS. (a) The department may randomly inspect land where hemp is grown to determine whether hemp is being cultivated in compliance with this chapter.

(b) The department may enter onto land described by Section 122.103(a)(1), conduct inspections, and collect and test plant samples.

(c) Using participation fees set and collected under Section 122.052(a)(3), the department shall pay the cost of inspections under this section.

(d) The Department of Public Safety may inspect, collect samples from, or test plants from any portion of a plot to ensure compliance with this chapter. A license holder shall allow the Department of Public Safety access to the plot and the property on which the plot is located for purposes of this subsection.

(e) If, after conducting an inspection or performing testing under this section, the department or the Department of Public Safety determines any portion of a plot is not compliant with this chapter, the department or the Department of Public Safety may report the license holder to the other department or to the attorney general.

Sec. 122.054. SAMPLE COLLECTION AND TESTING. The department may collect samples and perform testing or contract with a laboratory for the performance of that collection and testing on behalf of the department. A test performed by a laboratory on behalf of the department is considered to be performed by the department for purposes of this chapter.

Sec. 122.055. SHIPPING CERTIFICATE OR CARGO MANIFEST. (a) The department shall develop a shipping certificate or cargo manifest which the department shall issue to a license holder in connection with the transportation of a shipment of hemp plant material originating in this state, other than sterilized seeds that are incapable of beginning germination.

(b) A certificate or manifest developed under Subsection (a) must include a unique identifying number for the shipment and the department's contact information to allow law enforcement during a roadside inspection of a motor vehicle transporting the shipment to verify that the shipment consists of hemp cultivated in compliance with this chapter.

(c) A person commits an offense if the person, with intent to deceive law enforcement, forges, falsifies, or alters a shipping certificate or cargo manifest issued under this section. An offense under this subsection is a third degree felony.

SUBCHAPTER C. HEMP GROWER'S LICENSE

Sec. 122.101. LICENSE REQUIRED; EXCEPTIONS. (a) Except as provided by Subsection (b), a person or the person's agent may not cultivate or handle hemp in this state or transport hemp outside of this state unless the person holds a license under this subchapter.

(b) A person is not required to hold a license under this subchapter to manufacture a consumable hemp product in accordance with Subtitle A, Title 6, Health and Safety Code.

Sec. 122.102. LICENSE INELIGIBILITY. (a) An individual who is or has been convicted of a felony relating to a controlled substance under federal law or the law of any state may not, before the 10th anniversary of the date of the conviction:

(1) hold a license under this subchapter; or

(2) be a governing person of a business entity that holds a license under this subchapter.

(b) The department may not issue a license under this subchapter to a person who materially falsifies any information contained in an application submitted to the department under Section 122.103.

Sec. 122.103. APPLICATION; ISSUANCE. (a) A person may apply for a license under this subchapter by submitting an application to the department on a form and in the manner prescribed by the department. The application must be accompanied by:

(1) a legal description of each location where the applicant intends to cultivate or handle hemp and the global positioning system coordinates for the perimeter of each location;

(2) written consent from the applicant or the property owner if the applicant is not the property owner allowing the department, the Department of Public Safety, and any other state or local law enforcement agency to enter onto all premises where hemp is cultivated or handled to conduct a physical inspection or to ensure compliance with this chapter and rules adopted under this chapter;

(3) the application fee; and

(4) any other information required by department rule.

(b) Except as provided by Subsection (c), the department shall issue a license to a qualified applicant not later than the 60th day after the date the department receives the completed application and the required application fees.

(c) A qualified applicant who along with the application submits proof to the department that the applicant holds a license under Chapter 487, Health and Safety Code, is not required to pay an application fee, and the department shall issue the license to the applicant within the time prescribed by Subsection (b).

Sec. 122.104. TERM; RENEWAL. (a) A license is valid for one year and may be renewed as provided by this section.

(b) The department shall renew a license if the license holder:

(1) is not ineligible to hold the license under Section 122.102;

(2) submits to the department the license renewal fee; and

(3) does not owe any outstanding fee described by Section 122.052.

Sec. 122.105. REVOCATION. The department shall revoke a license if the license holder is convicted of a felony relating to a controlled substance under federal law or the law of any state.

SUBCHAPTER D. TESTING

Sec. 122.151. TESTING LABORATORIES. (a) Subject to Subsection (b), testing under this subchapter or Section 122.053 must be performed by:

(1) the department;

(2) an institution of higher education; or

(3) an independent testing laboratory registered under Section 122.152.

(b) To perform testing under this chapter, a laboratory described by Subsection (a) must be accredited by an independent accreditation body in accordance with International Organization for Standardization ISO/IEC 17025 or a comparable or successor standard.

(c) A license holder shall select a laboratory described by Subsection (a) to perform preharvest or postharvest testing of a sample taken from the license holder's plot. A license holder may not select an independent testing laboratory under Subsection (a)(3) unless the license holder has:

(1) no ownership interest in the laboratory; or

(2) less than a 10 percent ownership interest in the laboratory if the laboratory is a publicly traded company.

(d) A license holder must pay the costs of preharvest or postharvest sample collection and testing in the amount prescribed by the laboratory selected by the license holder.

(e) The department shall recognize and accept the results of a test performed by an institution of higher education or an independent testing laboratory described by Subsection (a). The department shall require that a copy of the test results be sent by the institution of higher education or independent testing laboratory directly to the department and the license holder.

(f) The department shall notify the license holder of the results of the test not later than the 14th day after the date the sample was collected under Section 122.154 or the date the department receives test results under Subsection (e).

Sec. 122.152. REGISTRATION OF INDEPENDENT TESTING LABORATORIES. (a) The department shall register independent testing laboratories authorized to conduct testing under Section 122.151(a)(3).

(b) A laboratory is eligible for registration if the laboratory submits to the department proof of accreditation by an independent accreditation body in accordance with International Organization for Standardization ISO/IEC 17025 or a comparable or successor standard and any required fee.

(c) The department shall annually prepare a registry of all independent testing laboratories registered by the department and make the registry available to license holders.

(d) The department may charge a registration fee to recover the costs of administering this section.

Sec. 122.153. PREHARVEST TESTING REQUIRED. (a) A license holder may not harvest a hemp plant or plant intended or believed to be hemp unless a representative sample of plants from the plot where the plant is grown is collected before harvest and subsequently tested using post-decarboxylation, high-performance liquid chromatography, or another similarly reliable method to determine the delta-9 tetrahydrocannabinol concentration of the sample in the manner required by this subchapter.

(b) For purposes of Subsection (a), a representative sample of plants from a plot consists of cuttings taken from at least five plants throughout the plot. The department by rule shall prescribe the minimum distance between plants from which cuttings may be taken based on the size of the plot.

(c) A laboratory performing preharvest testing under this section shall homogenize all the cuttings in the sample and test the delta-9 tetrahydrocannabinol concentration of a random sample of the homogenized material.

(d) This section does not prohibit a license holder from harvesting plants immediately after a preharvest sample is collected.

Sec. 122.154. PREHARVEST SAMPLE COLLECTION. (a) A license holder shall notify the department at least 20 days before the date the license holder expects to harvest plants from a plot in the manner prescribed by department rule.

(b) A sample must be collected by the department or another entity described by Section 122.151(a) for purposes of preharvest testing under Section 122.153.

(c) The department by rule may prescribe reasonable procedures for submitting a preharvest sample collected under this section to a testing laboratory selected by the license holder.

Sec. 122.155. OPTIONAL POSTHARVEST TESTING. (a) The department by rule shall allow a license holder to have a single postharvest test performed on a representative sample of plants from a plot if the results of the preharvest test representing the plot show a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

(b) The department by rule shall prescribe the requirements for a representative sample and for sample collection under this section.

(c) If a license holder fails to request postharvest testing on or before the 15th day after the date the license holder is notified of the results of the preharvest test, the results of the preharvest test are final.

Sec. 122.156. SHIPPING DOCUMENTATION FOR TEST SAMPLES. The department shall issue documentation to an entity authorized to collect samples of plants for testing that authorizes the transportation of those samples from the place of collection to a testing laboratory described by Section 122.151(a).

Sec. 122.157. FALSE LABORATORY REPORT; CRIMINAL OFFENSE. (a) A person commits an offense if the person, with the intent to deceive, forges, falsifies, or alters the results of a laboratory test required or authorized under this chapter.

(b) An offense under Subsection (a) is a third degree felony.

SUBCHAPTER E. HARVEST AND USE OR DISPOSAL OF PLANTS

Sec. 122.201. HARVEST. (a) A license holder shall harvest the plants from a plot not later than the 20th day after the date a preharvest sample is collected under Section 122.154 unless field conditions delay harvesting or the department authorizes the license holder to delay harvesting. This subsection does not prohibit the license holder from harvesting the plants immediately after the preharvest sample is collected.

(b) A license holder may not sell or use harvested plants before the results of a preharvest and, if applicable, postharvest test performed on a sample representing the plants are received. If the test results are not received before the plants are harvested, the license holder shall dry and store the harvested plants until the results are received.

(c) A license holder may not commingle harvested plants represented by one sample with plants represented by another sample until the results of the tests are received.

Sec. 122.202. USE OR DISPOSAL OF HARVESTED PLANTS. (a) If the results of a preharvest or postharvest test performed on a sample show a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis, the license holder may sell or use the plants represented by the sample for any purpose allowed by law.

(b) If the results of a preharvest and, if applicable, postharvest test performed on a sample show a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis:

(1) the license holder shall dispose of or destroy all plants represented by the sample:

(A) in the manner prescribed by federal law; or

(B) in a manner approved by the department that does not conflict with federal law; or

(2) if the department determines the plants represented by the sample reached that concentration solely as a result of negligence, the license holder is subject to Section 122.403(c) and may:

(A) trim the plants until the delta-9 tetrahydrocannabinol concentration of the plants is not more than 0.3 percent on a dry weight basis and dispose of the noncompliant parts of the plants in a manner approved by the department;

(B) process the plants into fiber with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis and dispose of any remaining parts of the plants in a manner approved by the department; or

(C) take any other corrective action consistent with federal regulations adopted under 7 U.S.C. Chapter 38, Subchapter VII.

SUBCHAPTER F. HEMP SEED

Sec. 122.251. APPLICABILITY OF SUBCHAPTER. This subchapter does not apply to sterilized seeds that are incapable of beginning germination.

Sec. 122.252. CERTIFICATION OR APPROVAL. (a) The department or an entity authorized to certify seed under Chapter 62 shall identify and certify or approve seed confirmed to produce hemp.

(b) The department or entity may not certify or approve a variety of hemp seed if the seed is tested and confirmed to produce a plant that has delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis. For purposes of this subsection, the department may partner with a private entity or an institution of higher education to test seed for the purpose of certification or approval under this section.

(c) The department may authorize the importation of hemp seed certified in accordance with the law of another state or jurisdiction that requires as a condition of certification that hemp be produced in compliance with:

(1) that state or jurisdiction's plan approved by the United States Department of Agriculture under 7 U.S.C. Section 1639p; or

(2) a plan established under 7 U.S.C. Section 1639q if that plan applies in the state or jurisdiction.

(d) The department shall maintain and make available to license holders a list of hemp seeds certified or approved under this section.

Sec. 122.253. PROHIBITED USE OF CERTAIN HEMP SEED. A person may not sell, offer for sale, distribute, or use hemp seed in this state unless the seed is certified or approved under Section 122.252.

SUBCHAPTER G. NONCONSUMABLE HEMP PRODUCTS

Sec. 122.301. MANUFACTURE. (a) Except as provided by Subsection (b), a state agency may not prohibit a person who manufactures a product regulated by the agency, other than an article regulated under Chapter 431, Health and Safety Code, from applying for or obtaining a permit or other authorization to manufacture the product solely on the basis that the person intends to manufacture the product as a nonconsumable hemp product.

(b) A state agency may not authorize a person to manufacture a product containing hemp for smoking, as defined by Section 443.001, Health and Safety Code.

Sec. 122.302. POSSESSION, TRANSPORTATION, AND SALE. (a) Notwithstanding any other law, a person may possess, transport, sell, and purchase legally produced nonconsumable hemp products in this state.

(b) The department by rule must provide to a retailer of nonconsumable hemp products fair notice of a potential violation concerning hemp products sold by the retailer and an opportunity to cure a violation made unintentionally or negligently.

Sec. 122.303. RETAIL SALE OF OUT-OF-STATE PRODUCTS. (a) Retail sales of nonconsumable hemp products manufactured outside of this state may be made in this state when the hemp used in the products was cultivated legally in another state or jurisdiction in compliance with:

(1) that state or jurisdiction's plan approved by the United States Department of Agriculture under 7 U.S.C. Section 1639p; or

(2) a plan established under 7 U.S.C. Section 1639q if that plan applies to the state or jurisdiction.

(b) The department shall maintain a list of states or other jurisdictions in which hemp may be cultivated legally as described by Subsection (a).

Sec. 122.304. TRANSPORTATION AND EXPORTATION OUT OF STATE. Nonconsumable hemp products may be legally transported across state lines and exported to foreign jurisdictions in a manner that is consistent with federal law and the laws of respective foreign jurisdictions.

SUBCHAPTER H. TRANSPORTATION REQUIREMENTS

Sec. 122.351. DEFINITION. In this subchapter, "peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.

Sec. 122.352. POLICY. It is the policy of this state to not interfere with the interstate commerce of hemp or the transshipment of hemp through this state.

Sec. 122.353. INTERSTATE TRANSPORTATION. To the extent of a conflict between a provision of this chapter and a provision of federal law involving interstate transportation of hemp, including a United States Department of Agriculture regulation, federal law controls and conflicting provisions of this chapter do not apply.

Sec. 122.354. DEPARTMENT RULES. The department, in consultation with the Department of Public Safety, shall adopt rules regulating the transportation of hemp in this state to ensure that illegal marihuana is not transported into or through this state disguised as legal hemp.

Sec. 122.355. HEMP TRANSPORTATION ACCOUNT. (a) The hemp transportation account is a dedicated account in the general revenue fund administered by the department. The account consists of:

(1) civil penalties collected under this subchapter; and
(2) interest and income earned on the investment of money in the account.

(b) Money in the account may be appropriated only to the department for the administration and enforcement of this subchapter. The department may transfer money appropriated under this subsection to the Department of Public Safety for the administration and enforcement of that department's powers and duties under this subchapter, unless prohibited by other law.

Sec. 122.356. DOCUMENTATION AND OTHER SHIPPING REQUIREMENTS. (a) A person may not transport hemp plant material in this state unless the hemp:

(1) is produced in compliance with:
(A) a state or tribal plan approved by the United States Department of Agriculture under 7 U.S.C. Section 1639p; or

(B) a plan established under 7 U.S.C. Section 1639q if the hemp was cultivated in an area where that plan applies; and

(2) is accompanied by:
(A) a shipping certificate or cargo manifest issued under Section 122.055 if the hemp originated in this state; or

(B) documentation containing the name and address of the place where the hemp was cultivated and a statement that the hemp was produced in compliance with 7 U.S.C. Chapter 38, Subchapter VII, if the hemp originated outside this state.

(b) A person transporting hemp plant material in this state:
(1) may not concurrently transport any cargo that is not hemp plant material; and

(2) shall furnish the documentation required by this section to the department or any peace officer on request.

Sec. 122.357. AGRICULTURAL PESTS AND DISEASES. A person may not transport in this state hemp that contains an agricultural pest or disease as provided by department rule.

Sec. 122.358. POWERS AND DUTIES OF PEACE OFFICERS. (a) A peace officer may inspect and collect a reasonably sized sample of any material from the plant Cannabis sativa L. found in a vehicle to determine the

delta-9 tetrahydrocannabinol concentration of the plant material. Unless a peace officer has probable cause to believe the plant material is marihuana, the peace officer may not:

- (1) seize the plant material; or
- (2) arrest the person transporting the plant material.

(b) A peace officer may detain any hemp being transported in this state until the person transporting the hemp provides the documentation required by Section 122.356. The peace officer shall immediately release the hemp to the person if the person produces documentation required by that section.

(c) If a peace officer has probable cause to believe that a person transporting hemp in this state is also transporting marihuana or a controlled substance, as defined by Section 481.002, Health and Safety Code, or any other illegal substance under state or federal law, the peace officer may seize and impound the hemp along with the controlled or illegal substance.

(d) This subchapter does not limit or restrict a peace officer from enforcing to the fullest extent the laws of this state regulating marihuana and controlled substances, as defined by Section 481.002, Health and Safety Code.

Sec. 122.359. CIVIL PENALTY. (a) A person who violates Section 122.356 is liable to this state for a civil penalty in an amount not to exceed \$500 for each violation.

(b) The attorney general or any district or county attorney may bring an action to recover the civil penalty.

(c) A civil penalty collected under this section must be deposited in the hemp transportation account under Section 122.355.

Sec. 122.360. CRIMINAL OFFENSE. (a) A person commits an offense if the person violates Section 122.356.

(b) An offense under this section is a misdemeanor punishable by a fine of not more than \$1,000.

SUBCHAPTER I. ENFORCEMENT; PENALTIES

Sec. 122.401. PENALTY SCHEDULE. (a) The department by rule shall adopt a schedule of sanctions and penalties for violations of this chapter and rules adopted under this chapter that does not conflict with 7 U.S.C. Section 1639p(e).

(b) A penalty collected under this chapter other than a civil penalty collected under Subchapter H must be deposited in the state hemp production account under Section 122.003.

Sec. 122.402. ADMINISTRATIVE PENALTY. Except as provided by Section 122.403 and to the extent permitted under 7 U.S.C. Section 1639p(e), the department may impose an administrative penalty or other administrative sanction for a violation of this chapter or a rule or order adopted under this chapter, including a penalty or sanction under Section 12.020 or 12.0201.

Sec. 122.403. NEGLIGENT VIOLATIONS BY LICENSE HOLDER. (a) If the department determines that a license holder negligently violated this chapter or a rule adopted under this chapter, the department shall enforce the violation in the manner provided by 7 U.S.C. Section 1639p(e).

(b) A license holder described by Subsection (a) is not subject to a civil, criminal, or administrative enforcement action other than an enforcement action provided by this chapter.

(c) A license holder who violates this chapter by cultivating plants described by Section 122.202(b)(2):

(1) must comply with an enhanced testing protocol developed by the department;

(2) shall pay a fee in the amount of \$500 for each violation to cover the department's costs of administering the enhanced testing protocol; and

(3) shall be included on a list maintained by the department of license holders with negligent violations, which is public information for purposes of Chapter 552, Government Code.

(d) A person who negligently violates this chapter three times in any five-year period may not cultivate, process, or otherwise produce hemp in this state before the fifth anniversary of the date of the third violation. The department shall include each person subject to this subsection on a list of banned producers, which is public information for purposes of Chapter 552, Government Code.

Sec. 122.404. OTHER VIOLATIONS BY LICENSE HOLDER. If the department suspects or determines that a license holder violated this chapter or a rule adopted under this chapter with a culpable mental state greater than negligence, the department shall immediately report the license holder to:

(1) the United States attorney general; and

(2) the attorney general of this state, who may:

(A) investigate the violation;

(B) institute proceedings for injunctive or other appropriate relief on behalf of the department; or

(C) report the matter to the Department of Public Safety and any other appropriate law enforcement agency.

SECTION 3. Subchapter A, Chapter 141, Agriculture Code, is amended by adding Section 141.008 to read as follows:

Sec. 141.008. HEMP IN COMMERCIAL FEED. The service may adopt rules authorizing, defining, and controlling the use of hemp and hemp products in commercial feed.

SECTION 4. Subchapter A, Chapter 431, Health and Safety Code, is amended by adding Section 431.011 to read as follows:

Sec. 431.011. APPLICABILITY OF CHAPTER TO CONSUMABLE HEMP PRODUCTS AND MANUFACTURERS. (a) This chapter applies to a consumable hemp product subject to Chapter 443. An article regulated under this chapter may not be deemed to be adulterated solely on the basis that the article is a consumable hemp product.

(b) Except as provided by Subsection (c), this chapter applies to the conduct of a person who holds a license under Chapter 443.

(c) A person who holds a license under Chapter 443 related to the processing of hemp or the manufacturing of a consumable hemp product regulated under that chapter and is engaging in conduct within the scope of that license is not required to hold a license as a food manufacturer or food wholesaler under Subchapter J.

SECTION 5. Section 431.043, Health and Safety Code, is amended to read as follows:

Sec. 431.043. ACCESS TO RECORDS. A person who is required to maintain records under this chapter or Section 519 or 520(g) of the federal Act or a person who is in charge or custody of those records shall, at the request of the department or a health authority, permit the department or health authority at all reasonable times access to and to copy and verify the records, including records that verify that the hemp in a consumable hemp product was produced in accordance with Chapter 122, Agriculture Code, or 7 U.S.C. Chapter 38, Subchapter VII.

SECTION 6. Section 431.2211, Health and Safety Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) A person is not required to hold a license under this subchapter if the person holds a license under Chapter 443 and is engaging in conduct within the scope of that license.

SECTION 7. Subtitle A, Title 6, Health and Safety Code, is amended by adding Chapter 443 to read as follows:

CHAPTER 443. MANUFACTURE, DISTRIBUTION, AND SALE OF
CONSUMABLE HEMP PRODUCTS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 443.001. DEFINITIONS. In this chapter:

(1) "Consumable hemp product" means food, a drug, a device, or a cosmetic, as those terms are defined by Section 431.002, that contains hemp or one or more hemp-derived cannabinoids, including cannabidiol.

(2) "Department" means the Department of State Health Services.

(3) "Establishment" means each location where a person processes hemp or manufactures a consumable hemp product.

(4) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(5) "Hemp" has the meaning assigned by Section 121.001, Agriculture Code.

(6) "License" means a consumable hemp product manufacturer's license issued under this chapter.

(7) "License holder" means an individual or business entity holding a license.

(8) "Manufacture" has the meaning assigned by Section 431.002.

(9) "Process" means to extract a component of hemp, including cannabidiol or another cannabinoid, that is:

(A) sold as a consumable hemp product;

(B) offered for sale as a consumable hemp product;

(C) incorporated into a consumable hemp product; or

(D) intended to be incorporated into a consumable hemp product.

(10) "QR code" means a quick response machine-readable code that can be read by a camera, consisting of an array of black and white squares used for storing information or directing or leading a user to additional information.

(11) "Smoking" means burning or igniting a substance and inhaling the smoke or heating a substance and inhaling the resulting vapor or aerosol.

Sec. 443.002. APPLICABILITY OF OTHER LAW. Except as provided by Section 431.011(c), Chapter 431 applies to a license holder and a consumable hemp product regulated under this chapter.

Sec. 443.003. LOCAL REGULATION PROHIBITED. A municipality, county, or other political subdivision of this state may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the processing of hemp or the manufacturing or sale of a consumable hemp product as authorized by this chapter.

Sec. 443.004. SEVERABILITY. (a) A provision of this chapter or its application to any person or circumstance is invalid if the secretary of the United States Department of Agriculture determines that the provision or application conflicts with 7 U.S.C. Chapter 38, Subchapter VII, and prevents the approval of the state plan submitted under Chapter 121, Agriculture Code.

(b) The invalidity of a provision or application under Subsection (a) does not affect the other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 443.051. RULEMAKING AUTHORITY OF EXECUTIVE COMMISSIONER. The executive commissioner shall adopt rules and procedures necessary to administer and enforce this chapter. Rules and procedures adopted under this section must be consistent with:

(1) an approved state plan submitted to the United States Department of Agriculture under Chapter 121, Agriculture Code; and

(2) 7 U.S.C. Chapter 38, Subchapter VII, and federal regulations adopted under that subchapter.

SUBCHAPTER C. CONSUMABLE HEMP PRODUCT MANUFACTURER LICENSE

Sec. 443.101. LICENSE REQUIRED; EXCEPTIONS. A person may not process hemp or manufacture a consumable hemp product in this state unless the person holds a license under this subchapter.

Sec. 443.102. LICENSE INELIGIBILITY. (a) An individual who is or has been convicted of a felony relating to a controlled substance under federal law or the law of any state may not, before the 10th anniversary of the date of the conviction:

(1) hold a license under this subchapter; or

(2) be a governing person of an establishment that holds a license under this subchapter.

(b) The department may not issue a license under this subchapter to a person who materially falsifies any information contained in an application submitted to the department under Section 443.103.

Sec. 443.103. APPLICATION; ISSUANCE. An individual or establishment may apply for a license under this subchapter by submitting an application to the department on a form and in the manner prescribed by the department. The application must be accompanied by:

(1) a legal description of each location where the applicant intends to process hemp or manufacture consumable hemp products and the global positioning system coordinates for the perimeter of each location;

(2) written consent from the applicant or the property owner if the applicant is not the property owner allowing the department, the Department of Public Safety, and any other state or local law enforcement agency to enter onto all premises where hemp is processed or consumable hemp products are manufactured to conduct a physical inspection or to ensure compliance with this chapter and rules adopted under this chapter;

(3) any fees required by the department to be submitted with the application; and

(4) any other information required by department rule.

Sec. 443.104. TERM; RENEWAL. (a) A license is valid for one year and may be renewed as provided by this section.

(b) The department shall renew a license if the license holder:

(1) is not ineligible to hold the license under Section 443.102;

(2) submits to the department any license renewal fee; and

(3) does not owe any outstanding fees to the department.

Sec. 443.105. REVOCATION. The department shall revoke a license if the license holder is convicted of a felony relating to a controlled substance under federal law or the law of any state.

SUBCHAPTER D. TESTING OF CONSUMABLE HEMP PRODUCTS

Sec. 443.151. TESTING REQUIRED. (a) A consumable hemp product must be tested as provided by:

(1) Subsections (b) and (c); or

(2) Subsection (d).

(b) Before a hemp plant is processed or otherwise used in the manufacture of a consumable hemp product, a sample representing the plant must be tested, as required by the executive commissioner, to determine:

(1) the concentration of various cannabinoids; and

(2) the presence or quantity of heavy metals, pesticides, and any other substance prescribed by the department.

(c) Before material extracted from hemp by processing is sold as, offered for sale as, or incorporated into a consumable hemp product, the material must be tested, as required by the executive commissioner, to determine:

(1) the presence of harmful microorganisms; and

(2) the presence or quantity of:

(A) any residual solvents used in processing, if applicable; and

(B) any other substance prescribed by the department.

(d) Except as otherwise provided by Subsection (e), before a consumable hemp product is sold at retail or otherwise introduced into commerce in this state, a sample representing the hemp product must be tested by a laboratory that is accredited by an accreditation body in accordance with International Organization for Standardization ISO/IEC 17025 or a comparable or successor standard to determine the delta-9 tetrahydrocannabinol concentration of the product.

(e) A consumable hemp product is not required to be tested under Subsection (d) if each hemp-derived ingredient of the product:

(1) has been tested in accordance with Subsections (b) and (c); and

(2) does not have a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent.

Sec. 443.152. PROVISIONS RELATED TO TESTING. (a) A consumable hemp product that has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent may not be sold at retail or otherwise introduced into commerce in this state.

(b) A person licensed under Chapter 122, Agriculture Code, shall provide to a license holder who is processing hemp harvested by the person or otherwise using that hemp to manufacture a consumable hemp product the results of a test conducted under that chapter, if available, as proof that the delta-9 tetrahydrocannabinol concentration of the hemp does not exceed 0.3 percent, including for purposes of Section 443.151(b)(1).

(c) A license holder shall make available to a seller of a consumable hemp product processed or manufactured by the license holder the results of testing required by Section 443.151. The results may accompany a shipment to the seller or be made available to the seller electronically. If the results are not able to be made available, the seller may have the testing required under Section 443.151 performed on the product and shall make the results available to a consumer.

SUBCHAPTER E. RETAIL SALE OF CONSUMABLE HEMP PRODUCTS

Sec. 443.201. POSSESSION, TRANSPORTATION, AND SALE OF CONSUMABLE HEMP PRODUCTS. (a) A person may possess, transport, sell, or purchase a consumable hemp product processed or manufactured in compliance with this chapter.

(b) The executive commissioner by rule must provide to a retailer of consumable hemp products fair notice of a potential violation concerning consumable hemp products sold by the retailer and an opportunity to cure a violation made unintentionally or negligently.

Sec. 443.202. REGULATION OF CERTAIN CANNABINOID OILS. (a) This section does not apply to low-THC cannabis regulated under Chapter 487.

(b) Notwithstanding any other law, a person may not sell, offer for sale, possess, distribute, or transport a cannabinoid oil, including cannabidiol oil, in this state:

(1) if the oil contains any material extracted or derived from the plant Cannabis sativa L., other than from hemp produced in compliance with 7 U.S.C. Chapter 38, Subchapter VII; and

(2) unless a sample representing the oil has been tested by a laboratory that is accredited by an independent accreditation body in accordance with International Organization for Standardization ISO/IEC 17025 or a comparable or successor standard and found to have a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent.

(c) The department and the Department of Public Safety shall establish a process for the random testing of cannabinoid oil, including cannabidiol oil, at various retail and other establishments that sell, offer for sale, distribute, or use the oil to ensure that the oil:

(1) does not contain harmful ingredients;

(2) is produced in compliance with 7 U.S.C. Chapter 38, Subchapter VII; and

(3) has a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent.

Sec. 443.2025. PERMIT REQUIRED FOR RETAILERS OF CERTAIN PRODUCTS. (a) This section does not apply to low-THC cannabis regulated under Chapter 487.

(b) A person may not sell a consumable hemp product containing cannabidiol at retail in this state unless the person holds a permit issued by the department.

(c) A person is not required to hold a permit issued by the department under Subsection (b) if the person is:

(1) an employee of a permit holder; or

(2) a location affiliated with or owned, operated, or controlled by the permit holder whose address is maintained in a list by the permit holder under Subsection (d).

(d) A permit holder shall maintain a list of each location affiliated with or owned, operated, or controlled by the permit holder that sells products described by Subsection (b) at retail in this state. The permit holder shall make the list readily available to the department on request.

(e) The department shall adopt rules and may prescribe a reasonable permit fee to implement and administer this section.

Sec. 443.203. DECEPTIVE TRADE PRACTICE. (a) A person who sells, offers for sale, or distributes a cannabinoid oil, including cannabidiol oil, that the person claims is processed or manufactured in compliance with this chapter commits a false, misleading, or deceptive act or practice actionable under Subchapter E, Chapter 17, Business & Commerce Code, if the oil is not processed or manufactured in accordance with this chapter.

(b) A person who sells, offers for sale, or distributes a cannabinoid oil commits a false, misleading, or deceptive act or practice actionable under Subchapter E, Chapter 17, Business & Commerce Code, if the oil:

(1) contains harmful ingredients;

(2) is not produced in compliance with 7 U.S.C. Chapter 38, Subchapter VII; or

(3) has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent.

Sec. 443.204. RULES RELATED TO SALE OF CONSUMABLE HEMP PRODUCTS. Rules adopted by the executive commissioner regulating the sale of consumable hemp products must to the extent allowable by federal law reflect the following principles:

(1) hemp-derived cannabinoids, including cannabidiol, are not considered controlled substances or adulterants;

(2) products containing one or more hemp-derived cannabinoids, such as cannabidiol, intended for ingestion are considered foods, not controlled substances or adulterated products;

(3) consumable hemp products must be packaged and labeled in the manner provided by Section 443.205; and

(4) the processing or manufacturing of a consumable hemp product for smoking is prohibited.

Sec. 443.205. PACKAGING AND LABELING REQUIREMENTS. (a) Before a consumable hemp product that contains or is marketed as containing more than trace amounts of cannabinoids may be distributed or sold, the product must be labeled in the manner provided by this section with the following information:

(1) batch identification number;

(2) batch date;

(3) product name;

(4) a uniform resource locator (URL) that provides or links to a certificate of analysis for the product or each hemp-derived ingredient of the product;

(5) the name of the product's manufacturer; and

(6) a certification that the delta-9 tetrahydrocannabinol concentration of the product or each hemp-derived ingredient of the product is not more than 0.3 percent.

(b) The label required by Subsection (a) may be in the form of:

(1) a uniform resource locator (URL) for the manufacturer's Internet website that provides or links to the information required by that subsection; and

(2) a QR code or other bar code that may be scanned and that leads to the information required by that subsection.

(c) The label required by Subsection (a) must appear on each unit of the product intended for individual retail sale. If that unit includes inner and outer packaging, the label may appear on any of that packaging.

(d) This section does not apply to sterilized seeds incapable of beginning germination.

Sec. 443.206. RETAIL SALE OF OUT-OF-STATE CONSUMABLE HEMP PRODUCTS. (a) Retail sales of consumable hemp products processed or manufactured outside of this state may be made in this state when the products were processed or manufactured legally in another state or jurisdiction in compliance with:

(1) that state or jurisdiction's plan approved by the United States Department of Agriculture under 7 U.S.C. Section 1639p; or

(2) a plan established under 7 U.S.C. Section 1639q if that plan applies to the state or jurisdiction.

(b) The department shall maintain a list of states or other jurisdictions described by Subsection (a).

Sec. 443.207. TRANSPORTATION AND EXPORTATION OF CONSUMABLE HEMP PRODUCTS OUT OF STATE. Consumable hemp products may be legally transported across state lines and exported to foreign jurisdictions in a manner that is consistent with federal law and the laws of respective foreign jurisdictions.

SECTION 8. Sections 481.002(5) and (26), Health and Safety Code, are amended to read as follows:

(5) "Controlled substance" means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Section 121.001, Agriculture Code, or the tetrahydrocannabinols in hemp.

(26) "Marihuana" means the plant *Cannabis sativa* L., whether growing or not, the seeds of that plant, and every compound, manufacture, salt, derivative, mixture, or preparation of that plant or its seeds. The term does not include:

(A) the resin extracted from a part of the plant or a compound, manufacture, salt, derivative, mixture, or preparation of the resin;

(B) the mature stalks of the plant or fiber produced from the stalks;

(C) oil or cake made from the seeds of the plant;

(D) a compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake; ~~or~~

(E) the sterilized seeds of the plant that are incapable of beginning germination; or

(F) hemp, as that term is defined by Section 121.001, Agriculture Code.

SECTION 9. (a) Not later than the 90th day after the effective date of this Act, the Department of Agriculture shall submit for approval a state plan to the secretary of the United States Department of Agriculture as provided by Section 121.003, Agriculture Code, as added by this Act.

(b) The Department of Agriculture shall submit amended state plans as provided by Section 121.003(c), Agriculture Code, as added by this Act, as necessary until the plan is approved.

(c) As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 10. The Department of Agriculture and the Department of State Health Services shall begin implementing the state plan approved by the secretary of the United States Department of Agriculture not later than the 30th day after the date on which the state plan is approved and shall fully implement the state plan as soon as practicable after the state plan is approved.

SECTION 11. Notwithstanding Chapter 443, Health and Safety Code, as added by this Act, a retailer may possess, transport, or sell a consumable hemp product, as defined by Section 443.001, Health and Safety Code, as added by this Act, that is part of the retailer's inventory on the effective date of this Act regardless of whether the product was processed, manufactured, packaged, or labeled in compliance with that chapter.

SECTION 12. Notwithstanding Section 443.2025, Health and Safety Code, as added by this Act, a person is not required to hold a permit to sell a consumable hemp product containing cannabidiol at retail in this state until the 60th day after the date the Department of State Health Services begins accepting applications for the permit.

SECTION 13. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1325** (senate committee report) in SECTION 2 of the bill by striking added Section 122.303, Agriculture Code (page 8, lines 17 through 29), and substituting the following:

Sec. 122.303. RETAIL SALE OF OUT-OF-STATE PRODUCTS. A nonconsumable hemp product manufactured outside of this state may be sold at retail in this state unless:

- (1) the hemp used to manufacture the product was cultivated illegally;
- or
- (2) the retail sale of the product in this state violates federal law.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 1325** (senate committee report) as follows:

(1) In SECTION 7 of the bill, strike added Sections 443.151(d) and (e), Health and Safety Code (page 13, lines 6 through 20), and substitute the following:

(d) Except as otherwise provided by Subsection (e), before a consumable hemp product is sold at retail or otherwise introduced into commerce in this state, a sample representing the hemp product must be tested:

(1) by a laboratory that is accredited by an accreditation body in accordance with International Organization for Standardization ISO/IEC 17025 or a comparable or successor standard to determine the delta-9 tetrahydrocannabinol concentration of the product; and

(2) by an appropriate laboratory to determine that the product does not contain a substance described by Subsection (b) or (c) in a quantity prohibited for purposes of those subsections.

(e) A consumable hemp product is not required to be tested under Subsection (d) if each hemp-derived ingredient of the product:

(1) has been tested in accordance with:

- (A) Subsections (b) and (c); or
- (B) Subsection (d); and

(2) does not have a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent.

(2) In SECTION 7 of the bill, strike added Section 443.2025, Health and Safety Code (page 14, lines 7 through 25), and substitute the following:

Sec. 443.2025. REGISTRATION REQUIRED FOR RETAILERS OF CERTAIN PRODUCTS. (a) This section does not apply to low-THC cannabis regulated under Chapter 487.

(b) A person may not sell consumable hemp products containing cannabidiol at retail in this state unless the person registers with the department each location owned, operated, or controlled by the person at which those products are sold. A person is not required to register a location associated with an employee or independent contractor described by Subsection (d).

(c) The department may issue a single registration under Subsection (b) covering multiple locations owned, operated, or controlled by a person.

(d) A person is not required to register with the department under Subsection (b) if the person is:

(1) an employee of a registrant; or

(2) an independent contractor of a registrant who sells the registrant's products at retail.

(e) A registration is valid for one year and may be renewed as prescribed by department rule.

(f) The department by rule may adopt a registration fee schedule that establishes reasonable fee amounts for the registration of:

(1) a single location at which consumable hemp products containing cannabidiol are sold; and

(2) multiple locations at which consumable hemp products containing cannabidiol are sold under a single registration.

(g) The department shall adopt rules to implement and administer this section.

(3) In SECTION 7 of the bill, strike added Section 443.206, Health and Safety Code (page 15, lines 16 through 27), and substitute the following:

Sec. 443.206. RETAIL SALE OF OUT-OF-STATE CONSUMABLE HEMP PRODUCTS. Retail sales of consumable hemp products processed or manufactured outside of this state may be made in this state when the products were processed or manufactured in another state or jurisdiction in compliance with:

(1) that state or jurisdiction's plan approved by the United States Department of Agriculture under 7 U.S.C. Section 1639p;

(2) a plan established under 7 U.S.C. Section 1639q if that plan applies to the state or jurisdiction; or

(3) the laws of that state or jurisdiction if the products are tested in accordance with, or in a manner similar to, Section 443.151.

(4) Strike SECTIONS 11 and 12 of the bill (page 16, lines 8 through 20) and substitute the following:

SECTION 11. Notwithstanding Chapter 443, Health and Safety Code, as added by this Act, a retailer may possess, transport, or sell a consumable hemp product, as defined by Section 443.001, Health and Safety Code, as added by this Act, that becomes part of the retailer's inventory before rules under Section 443.051, Health and Safety Code, as added by this Act, become effective unless the product:

(1) is unsafe for consumption based on the presence or quantity of heavy metals, pesticides, harmful microorganisms, or residual solvents; or

(2) has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent.

SECTION 12. Notwithstanding Section 443.2025, Health and Safety Code, as added by this Act, a person is not required to register a location to sell a consumable hemp product containing cannabidiol at retail in this state before the 60th day after the date the Department of State Health Services begins issuing registrations.

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **CSHB 1325** (senate committee report) in SECTION 2 of the bill, in added Section 122.055, Agriculture Code (page 4, between lines 32 and 33), by inserting the following appropriately lettered subsection and relettering subsequent subsections accordingly:

() The department may coordinate with the Department of Public Safety to determine whether information included on a certificate or manifest issued under Subsection (a), including the unique identifying number, may be made available to law enforcement personnel through the Texas Law Enforcement Telecommunications System or a successor system of telecommunication used by law enforcement agencies and operated by the Department of Public Safety.

SB 18 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Geren, the house granted the request of the senate for the appointment of a Conference Committee on **SB 18**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 18**: Geren, chair; K. Bell, Cain, Darby, and C. Turner.

SB 601 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Flynn, the house granted the request of the senate for the appointment of a Conference Committee on **SB 601**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 601**: Paddie, chair; Flynn, Lambert, Nevárez, and S. Thompson.

**SB 604 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Paddie, the house granted the request of the senate for the appointment of a Conference Committee on **SB 604**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 604**: Paddie, chair; Canales, Lambert, Landgraf, and Nevárez.

**SB 621 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Lambert, the house granted the request of the senate for the appointment of a Conference Committee on **SB 621**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 621**: Lambert, chair; Geren, Nevárez, Paddie, and Schaefer.

**SB 668 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative VanDeaver, the house granted the request of the senate for the appointment of a Conference Committee on **SB 668**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 668**: VanDeaver, chair; K. Bell, Dutton, Meyer, and Sanford.

**SB 891 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Leach, the house granted the request of the senate for the appointment of a Conference Committee on **SB 891**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 891**: Leach, chair; Holland, Murr, Nevárez, and S. Thompson.

**SB 926 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Middleton, the house granted the request of the senate for the appointment of a Conference Committee on **SB 926**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 926**: Middleton, chair; Ashby, Bernal, Huberty, and K. King.

**SB 944 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Capriglione, the house granted the request of the senate for the appointment of a Conference Committee on **SB 944**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 944**: Capriglione, chair; P. King, Lang, Moody, and Morrison.

**SB 1096 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Oliverson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1096**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1096**: Oliverson, chair; Cortez, Krause, Parker, and Sheffield.

**SB 1257 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Leach, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1257**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1257**: Leach, chair; G. Bonnen, Collier, P. King, and Moody.

SB 1511 - REQUEST OF SENATE GRANTED

On motion of Representative Cyrier, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1511**.

SB 1511 - MOTION TO INSTRUCT CONFEREES

Representative Cain moved to instruct the Conference Committee on **SB 1511** to retain the substance of Amendment No. 1 in the text of the conference committee report.

The motion to instruct conferees was lost by (Record 1714): 18 Yeas, 120 Nays, 4 Present, not voting.

Yeas — Anderson; Biedermann; Bohac; Cain; Coleman; Guillen; Huberty; Klick; Murphy; Pacheco; Paul; Raymond; Stickland; Swanson; Tinderholt; Walles; White; Zedler.

Nays — Allen; Allison; Anchia; Ashby; Bailes; Beckley; Bell, C.; Bernal; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Calanni; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddock; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, T.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Perez; Phelan; Price; Raney; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee;

Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Wilson; Wray; Wu; Zerwas; Zwiener.

Present, not voting — Mr. Speaker; Button; Moody(C); Sanford.

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.

Absent — Johnson, J.D.; King, P.; Martinez; Ramos.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Smithee on motion of Flynn.

SB 1511 - (consideration continued)

SB 1511 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1511**: Cyrier, chair; Cain, Farrar, Morrison, and Toth.

SB 1742 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative J.E. Johnson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1742**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1742**: J.E. Johnson, chair; G. Bonnen, Krause, Lucio, and Oliverson.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

SB 8 ON THIRD READING (Larson - House Sponsor)

SB 8, A bill to be entitled An Act relating to state and regional flood planning.

SB 8 was read third time on May 17, postponed until 9 a.m. today, and was again postponed until this time.

Amendment No. 1

Representative Larson offered the following amendment to **SB 8**:

Amend **SB 8** on third reading by striking the SECTION of the bill establishing legislative intent regarding actions of the Texas Water Development Board as added by Amendment No. 2 by Paddie adopted on second reading.

Amendment No. 1 was adopted.

SB 8, as amended, was passed by (Record 1715): 139 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Schaefer; Stickland.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.; Smithee.

Absent — Johnson, J.D.

STATEMENT OF VOTE

When Record No. 1715 was taken, I was shown voting no. I intended to vote yes.

Schaefer

SB 1572 ON THIRD READING (Button - House Sponsor)

SB 1572, A bill to be entitled An Act relating to municipal registration of vacant buildings in certain municipalities.

SB 1572 was read third time earlier today, postponed until the end of the third reading calendar, and was again postponed until this time.

Amendment No. 1

Representatives Holland, Cain, and Button offered the following amendment to **SB 1572**:

Amend **SB 1572** on third reading by striking the text of added Section 214.233(a-1), Local Government Code, and substituting the following:

(a-1) A municipality located in a county of more than 250,000 that borders the Gulf of Mexico and is adjacent to a county with a population of more than 3.3 million may adopt an ordinance that allows but does not require owners of vacant buildings to register their buildings by filing a registration form with a designated municipal official. A municipality that adopts an ordinance under this

subsection may not place a lien on a property solely because the property is registered under this subsection. An owner of a vacant building who is not otherwise liable for damages is not liable solely because the owner does not register the building under an ordinance adopted under this subsection.

Amendment No. 1 was adopted.

SB 1572, as amended, was passed by (Record 1716): 128 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Parker; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Sherman; Shine; Smith; Stephenson; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Dean; Hefner; Krause; Lang; Noble; Patterson; Paul; Schaefer; Shaheen; Stickland; Stucky; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker; Moody(C).

Absent, Excused — Bell, K.; Davis, S.; Gervin-Hawkins; Johnson, E.; Smithee.

Absent — Springer.

STATEMENTS OF VOTE

When Record No. 1716 was taken, I was shown voting yes. I intended to vote no.

Leman

When Record No. 1716 was taken, I was shown voting no. I intended to vote yes.

Paul

MESSAGE FROM THE GOVERNOR OF THE STATE OF TEXAS

The chair laid before the house and had read the following special message by the governor:

TO THE MEMBERS OF THE SENATE AND HOUSE OF
REPRESENTATIVES OF THE EIGHTY-SIXTH TEXAS LEGISLATURE,
REGULAR SESSION:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Greg Abbott, Governor of Texas, do hereby disapprove and veto **HB 1476** of the 86th Texas Legislature, Regular Session, due to the following objections:

I have signed **HB 892** which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions in the relevant statute. **HB 1476** attempts to amend the statute already repealed by **HB 892**. As such, **HB 1476** is unnecessary.

Since you remain gathered in regular session and continue to conduct formal business, I am delivering this disapproval message directly to you along with the unsigned official enrolled copy of the bill.

Respectfully submitted,
Greg Abbott
Governor of Texas

Austin, Texas
May 22, 2019

COMMITTEES GRANTED PERMISSION TO MEET

Representative Goldman moved that the house grant permission for all committees and subcommittees to meet while the house is in session, pending the receipt of messages from the senate, pursuant to their committee postings or recess motions.

Permission to meet was granted.

PROVIDING FOR ADJOURNMENT

At 6:45 p.m., Representative Goldman moved that, at the conclusion of the receipt of messages from the senate, the house adjourn until 11 a.m. tomorrow.

The motion prevailed.

(Bowers in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

HOUSE AT EASE

At 6:56 p.m. Wednesday, May 22, the chair announced that the house would stand at ease.

(C. Turner in the chair)

The chair called the house to order at 9:15 a.m. Thursday, May 23.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 3 and 4).

ADJOURNMENT

In accordance with a previous motion, the house, at 9:15 a.m. Thursday, May 23, adjourned until 11 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 35

HB 7, HB 23, HB 51, HB 93, HB 137, HB 162, HB 165, HB 273, HB 277, HB 300, HB 304, HB 310, HB 330, HB 345, HB 369, HB 387, HB 449, HB 455, HB 519, HB 541, HB 554, HB 587, HB 635, HB 643, HB 653, HB 667, HB 678, HB 770, HB 807, HB 819, HB 837, HB 881, HB 882, HB 884, HB 902, HB 1060, HB 1136, HB 1143, HB 1191, HB 1225, HB 1306, HB 1307, HB 1379, HB 1505, HB 1542, HB 1605, HB 1607, HB 1652, HB 1661, HB 1674, HB 1676, HB 1678, HB 1693, HB 1717, HB 1791, HB 1810, HB 1815, HB 1888, HB 1891, HB 1896, HB 1901, HB 1940, HB 2075, HB 2092, HB 2111, HB 2167, HB 2214, HB 2229, HB 2245, HB 2256, HB 2290, HB 2331, HB 2358, HB 2461, HB 2475, HB 2504, HB 2571, HB 2577, HB 2594, HB 2617, HB 2643, HB 2660, HB 2677, HB 2698, HB 2709, HB 2734, HB 2780, HB 2789, HB 2791, HB 2792, HB 2809, HB 2812, HB 2826, HB 2830, HB 2914, HB 2950, HB 3006, HB 3007, HB 3011, HB 3022, HB 3040, HB 3044, HB 3068, HB 3116, HB 3165, HB 3167, HB 3175, HB 3209, HB 3211, HB 3214, HB 3228, HB 3300, HB 3339, HB 3366, HB 3386, HB 3394, HB 3405, HB 3440, HB 3463, HB 3471, HB 3475, HB 3503, HB 3529, HB 3601, HB 3656, HB 3663, HB 3671, HB 3688, HB 3689, HB 3754, HB 3760, HB 3768, HB 3780, HB 3910, HB 3934, HB 4130, HB 4170, HB 4171, HB 4172, HB 4173, HB 4179, HB 4195, HB 4236, HB 4520, HB 4636, HB 4646, HB 4656, HB 4659, HB 4663, HB 4666, HB 4669, HB 4671, HB 4675, HB 4680, HB 4684, HB 4686, HB 4691, HB 4692, HB 4694, HB 4695, HB 4696, HB 4705, HB 4718, HB 4724, HB 4726, HB 4727, HB 4733, HCR 35, HCR 120, HJR 38, HJR 95

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, May 22, 2019

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 492 Shine SPONSOR: Taylor
Relating to a temporary exemption from ad valorem taxation of a portion of the appraised value of certain property damaged by a disaster.
(Committee Substitute)

HB 996 Collier SPONSOR: Paxton
Relating to the collection of consumer debt by debt buyers.
(Committee Substitute)

HB 1399 Smith SPONSOR: Creighton
Relating to the creation and storage of DNA records for a person arrested for certain felony offenses.
(Committee Substitute/Amended)

HB 1869 Klick SPONSOR: Zaffirini
Relating to the composition of the Governor's EMS and Trauma Advisory Council.
(Amended)

HB 1941 Phelan SPONSOR: Watson
Relating to unconscionable prices charged by certain health care facilities for medical care.
(Committee Substitute/Amended)

HB 2041 Oliverson SPONSOR: Taylor
Relating to the regulation of freestanding emergency medical care facilities.
(Amended)

HB 2188 Frullo SPONSOR: Alvarado
Relating to the operation of electric and nonelectric bicycles.

HB 2210 Bell, Keith SPONSOR: Powell
Relating to the consideration for public school accountability purposes of certain students receiving residential services in state hospitals.
(Amended)

HB 2486 Goldman SPONSOR: Schwertner

Relating to certain required disclosures and prohibited practices of certain employee benefit plans and health insurance policies that provide benefits for dental care services.

(Committee Substitute)

HB 2524 Anderson, Charles "Doc" SPONSOR: Miles

Relating to the prosecution of the criminal offense of theft of service.

(Committee Substitute)

HB 2536 Oliverson SPONSOR: Hancock

Relating to transparency related to drug costs.

(Amended)

HB 2718 Turner, Chris SPONSOR: West

Relating to authorizing an increase in the student union fee at The University of Texas at Arlington.

(Committee Substitute)

HB 2805 Darby SPONSOR: Flores

Relating to regulations for taking marl, sand, gravel, shell, or mudshell.

HB 2856 Morrison SPONSOR: Kolkhorst

Relating to restrictions under disaster remediation contracts; creating a criminal offense.

(Committee Substitute)

HB 2868 Phelan SPONSOR: West

Relating to the procurement of interior design services by a governmental entity.

HB 2978 Howard SPONSOR: Watson

Relating to granting an easement to the City of Austin.

(Committee Substitute)

HB 3041 Turner, Chris SPONSOR: Buckingham

Relating to the renewal of a preauthorization for a medical or health care service.

HB 3231 Clardy SPONSOR: Fallon

Relating to the regulation of firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories by a county or municipality.

(Committee Substitute/Amended)

HB 3285 Sheffield SPONSOR: Huffman

Relating to programs and initiatives to prevent and respond to opioid addiction, misuse, abuse, and overdose and identify and treat co-occurring substance use disorders and mental illness.

(Amended)

HB 3317 Zerwas SPONSOR: Nelson

Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue and allocation of accrued interest on dedicated revenue, and the exemption of unappropriated money from use for general governmental purposes.

(Committee Substitute/Amended)

HB 3371 Darby SPONSOR: Taylor

Relating to the regulation of certain battery-charged fences by municipalities and counties.

(Amended)

HB 3384

Shine

SPONSOR: Bettencourt

Relating to the authority of the comptroller to conduct a limited-scope review of an appraisal district located in an area declared by the governor to be a disaster area.

HB 3703

Klick

SPONSOR: Campbell

Relating to the prescription of low-THC cannabis for medical use by certain qualified physicians to patients with certain medical conditions.

(Committee Substitute)

HB 4032

Guillen

SPONSOR: Taylor

Relating to the regulation, permitting, and taxation of certain boats and boat motors; imposing a fee.

(Committee Substitute/Amended)

HB 4150

Paddie

SPONSOR: Hughes

Relating to safety and inspection requirements for certain utilities that provide electricity.

(Committee Substitute)

HB 4157

Anchia

SPONSOR: West

Relating to the definition of a designated law enforcement office or agency for purposes of certain laws governing the installation and use of tracking equipment and access to certain communications.

HB 4182

Sherman, Sr.

SPONSOR: West

Relating to an intercollegiate athletics fee at the University of North Texas at Dallas.

(Committee Substitute)

HB 4205

Craddick

SPONSOR: Perry

Relating to accountability intervention provisions applicable to school district campuses, including the conditions under which a closed campus may be repurposed to serve students at that campus location and the creation of accelerated campus excellence turnaround plans.

(Amended)

HB 4258

Murphy

SPONSOR: Campbell

Relating to review and approval by the attorney general of certain bonds financing an educational facility for certain charter schools.

(Committee Substitute)

HB 4390

Capriglione

SPONSOR: Nelson

Relating to the privacy of personal identifying information and the creation of the Texas Privacy Protection Advisory Council.

(Committee Substitute)

HB 4765

Huberty

SPONSOR: Bettencourt

Relating to the creation of the Harris County Improvement District No. 27; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HCR 133

Dutton

SPONSOR: West

Directing the Texas Higher Education Coordinating Board to conduct a study on the creation of a divinity program at Texas Southern University.

HCR 140

Herrero

SPONSOR: Hinojosa

Recognizing 2020 as "The Year to Embrace the Gulf."

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, May 22, 2019 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 170

Bernal

SPONSOR: Alvarado

Relating to coverage for mammography under certain health benefit plans.

(Committee Substitute)

HB 1025

Bohac

SPONSOR: Whitmire

Relating to membership on and the eligibility of certain persons to serve on the board of certain property owners' associations.

(Committee Substitute)

HB 1063

Price

SPONSOR: Buckingham

Relating to telemedicine medical, telehealth, and home telemonitoring services under Medicaid.

(Committee Substitute)

HB 1078

Oliverson

SPONSOR: Creighton

Relating to waiving certain driver's license and handgun license fees for certain applicants who hold a certification in cardiopulmonary resuscitation.

(Committee Substitute)

HB 1313

King, Phil

SPONSOR: Birdwell

Relating to the authority of the chief appraiser of an appraisal district to increase the appraised value of property in the tax year following the year in which the appraised value of the property is lowered as a result of a protest or appeal.

(Amended)

HB 1495

Toth

SPONSOR: Creighton

Relating to authorization for the creation of a county ethics commission in certain counties and to authorizing counties to adopt a code of ethics for their commissioners courts.

(Amended)

HB 1669

Lucio III

SPONSOR: Lucio

Relating to increasing and improving the mental health and substance use disorder workforce in this state and increasing the capacity of local mental health authorities to provide access to mental health services in certain counties.

(Committee Substitute/Amended)

HB 1885

Bonnen, Greg

SPONSOR: Zaffirini

Relating to the waiver of penalties and interest if an error by a mortgagee results in failure to pay an ad valorem tax.

HB 1962

Lambert

SPONSOR: Hall

Relating to the continuation and functions of the Texas State Library and Archives Commission, including the custody and ownership of certain state records.

(Committee Substitute/Amended)

HB 1973

Button

SPONSOR: Nelson

Relating to the system by which an application for a low income housing tax credit is scored.

(Amended)

HB 2143

Turner, John

SPONSOR: Whitmire

Relating to the eligibility of a first responder for workers' compensation benefits for post-traumatic stress disorder.

(Committee Substitute)

HB 2195

Meyer

SPONSOR: Zaffirini

Relating to an active shooter emergency policy for school districts and required active shooter training for school district peace officers and school resource officers.

(Amended)

HB 2764

Frank

SPONSOR: Hughes

Relating to minimum standards and caregiver training for substitute care providers for children in the conservatorship of the Department of Family and Protective Services.

(Amended)

HB 3012

Talarico

SPONSOR: Zaffirini

Relating to the disposition of certain students to alternative education settings and the provision of educational services to students in those settings or subject to in-school or out-of-school suspension.

(Amended)

HB 3195

Wu

SPONSOR: Whitmire

Relating to juveniles committed to the Texas Juvenile Justice Department.

(Amended)

HB 3388 Sheffield SPONSOR: Kolkhorst
Relating to the reimbursement of prescription drugs under Medicaid and the child health plan program.
(Committee Substitute/Amended)

HB 3496 Sheffield SPONSOR: Creighton
Relating to the licensing and regulation of certain pharmacies; providing an administrative penalty.

HB 3750 Kuempel SPONSOR: Schwertner
Relating to the applicability of certain municipal ordinances in the municipality's extraterritorial jurisdiction.
(Amended)

HB 3834 Capriglione SPONSOR: Paxton
Relating to the requirement that certain state and local government employees and state contractors complete a cybersecurity training program certified by the Department of Information Resources.
(Amended)

HB 3842 King, Tracy O. SPONSOR: Hinojosa
Relating to the requirement that a motor vehicle dealer obtain a general distinguishing number for a consignment location.
(Amended)

HB 4388 Murphy SPONSOR: Campbell
Relating to the management of the permanent school fund by the School Land Board and the State Board of Education.
(Amended)

HB 4428 Tinderholt SPONSOR: Fallon
Relating to the application for and expiration of a license to carry a handgun.

HJR 4 Phelan SPONSOR: Creighton
Proposing a constitutional amendment providing for the creation of the flood infrastructure fund to assist in the financing of drainage, flood mitigation, and flood control projects.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 7 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas
Thursday, May 23, 2019 - 1

The Honorable Speaker of the House

House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 6 Morrison SPONSOR: Kolkhorst
Relating to developing a disaster recovery task force to assist with long-term disaster recovery.
(Amended)

HB 510 Wilson SPONSOR: Schwertner
Relating to the power of certain counties to enact park use rules.
(Amended)

HB 720 Larson SPONSOR: Perry
Relating to appropriations of water for recharge of aquifers and use in aquifer storage and recovery projects.

HB 721 Larson SPONSOR: Perry
Relating to the duty of the Texas Water Development Board to conduct studies of and prepare and submit reports on aquifer storage and recovery and aquifer recharge projects.
(Committee Substitute)

HB 722 Larson SPONSOR: Perry
Relating to the development of brackish groundwater.
(Committee Substitute/Amended)

HB 1052 Larson SPONSOR: Perry
Relating to the authority of the Texas Water Development Board to use the state participation account of the water development fund to provide financial assistance for the development of certain facilities.

HB 1355 Button SPONSOR: Johnson
Relating to the issuance and execution of a search warrant to collect a blood specimen from a person arrested for certain intoxication offenses.
(Committee Substitute)

HB 1387 Hefner SPONSOR: Creighton
Relating to the number of school marshals that may be appointed to serve on a public school campus or at a private school.

HB 1545 Paddie SPONSOR: Birdwell
Relating to the continuation and functions of the Texas Alcoholic Beverage Commission, including the consolidation, repeal, and creation of certain licenses and permits; changing fees.
(Committee Substitute/Amended)

HB 1550 Paddie SPONSOR: Birdwell
Relating to certain governmental entities subject to the sunset review process.
(Amended)

HB 1576 Phelan SPONSOR: Buckingham
Relating to the delivery of certain transportation services under Medicaid and certain other health and human services programs.
(Committee Substitute/Amended)

HB 1584 Thompson, Senfronia SPONSOR: Buckingham
Relating to health benefit plan coverage of prescription drugs for stage-four advanced, metastatic cancer.
(Amended)

HB 1634 Kuempel SPONSOR: Zaffirini
Relating to the imposition and rate of the county hotel occupancy tax in certain counties; authorizing the imposition of a tax.
(Amended)

HB 1731 Davis, Yvonne SPONSOR: Hancock
Relating to the payment for funeral services performed by a transferring funeral home under a purchase agreement for funeral services or merchandise.
(Committee Substitute)

HB 1806 King, Tracy O. SPONSOR: Campbell
Relating to the use of water withdrawn from the Edwards Aquifer by certain entities.

HB 1833 Wray SPONSOR: Hughes
Relating to the authority to transfer real property in the name of an entity.
(Committee Substitute/Amended)

HB 1883 Bonnen, Greg SPONSOR: Creighton
Relating to deferred payment of ad valorem taxes for certain persons serving in the United States armed forces.

HB 2059 Blanco SPONSOR: Taylor
Relating to required human trafficking prevention training as a condition of registration permit or license renewal for certain health care practitioners.

HB 2159 Meyer SPONSOR: Paxton
Relating to the correction of an ad valorem tax appraisal roll.
(Amended)

HB 2327 Bonnen, Greg SPONSOR: Buckingham
Relating to preauthorization of certain medical care and health care services by certain health benefit plan issuers and to the regulation of utilization review, independent review, and peer review for health benefit plan and workers' compensation coverage.
(Committee Substitute/Amended)

HB 2345 Walle SPONSOR: Hinojosa
Relating to the creation of the Institute for a Disaster Resilient Texas.
(Committee Substitute)

HB 2362 Moody SPONSOR: Hughes
Relating to the standard of proof in health care liability claims involving emergency medical care.

HB 2784 Phelan SPONSOR: Alvarado

Relating to the creation of the Texas Industrial Workforce Apprenticeship Grant Program.

(Committee Substitute/Amended)

HB 2831

Canales

SPONSOR: Hinojosa

Relating to the service of notice of a special commissioners' hearing in an eminent domain proceeding.

(Amended)

HB 3222

King, Ken

SPONSOR: Hancock

Relating to the creation of a nonresident brewer's or nonresident manufacturer's agent's permit; authorizing a fee.

(Committee Substitute/Amended)

HB 3361

Canales

SPONSOR: Hinojosa

Relating to court reporter service fees in certain counties.

HB 3603

Martinez Fischer

SPONSOR: Hancock

Relating to derivative proceedings on behalf of for-profit corporations, limited liability companies, and limited partnerships.

HB 3609

Martinez Fischer

SPONSOR: Hancock

Relating to the filing of an assumed name certificate by certain business entities.

HB 3745

Bell, Cecil

SPONSOR: Birdwell

Relating to the Texas emissions reduction plan fund and account.

(Committee Substitute/Amended)

HB 3808

Walle

SPONSOR: Powell

Relating to the filing of a degree plan by students at public institutions of higher education.

(Committee Substitute/Amended)

HB 3906

Huberty

SPONSOR: Taylor

Relating to the assessment of public school student development, comprehension, and performance, including the administration of assessment instruments for that purpose.

(Committee Substitute/Amended)

HB 3950

Frank

SPONSOR: Kolkhorst

Relating to the establishment of the Joint Committee on Child Welfare.

(Committee Substitute/Amended)

HB 4712

Miller

SPONSOR: Creighton

Relating to the powers and duties of the Fort Bend County Levee Improvement District No. 7.

(Amended)

Respectfully,

Patsy Spaw

Secretary of the Senate

Thursday, May 23, 2019 - 2

HB 356 Lang SPONSOR: Buckingham
Relating to the repeal of a statute allowing the county attorney or commissioners court of Brown County to accept gifts or grants to finance or assist the operation of the office of county attorney.

HB 368 Cain SPONSOR: Hall
Relating to the use of legislatively produced audio or visual materials in political advertising.

HB 396 VanDeaver SPONSOR: Hughes
Relating to acceptable uses of the instructional materials and technology fund and the instructional materials and technology allotment.

HB 406 Price SPONSOR: Zaffirini
Relating to organ donor registration information when applying for a hunting or fishing license on the Internet.

HB 463 Springer SPONSOR: Perry
Relating to reciprocity agreements between certain air ambulance companies operating a subscription program.
(Committee Substitute)

HB 515 Bailes SPONSOR: Schwertner
Relating to the establishment and operation of certain private family cemeteries.

HB 539 Leman SPONSOR: Kolkhorst
Relating to the automatic admission to general academic teaching institutions and eligibility for certain scholarships of a student who is the valedictorian of the student's high school graduating class.

HB 555 Thompson, Senfronia SPONSOR: Rodríguez
Relating to certain rights of the sole managing conservator of a child in relation to the child's passport.

HB 616 Neave SPONSOR: Nelson
Relating to reimbursement for a certain portion of a forensic medical examination of a sexual assault survivor and for the evidence collection kit required for the examination.
(Committee Substitute)

HB 651 Springer SPONSOR: Kolkhorst
Relating to the creation and operations of health care provider participation programs in counties not served by a hospital district or a public hospital.

HB 685 Clardy SPONSOR: Hughes
Relating to immunity from liability of a court clerk and county for the disclosure or release of certain court documents and information contained in the court documents.

HB 687 Guillen SPONSOR: Perry
Relating to a landowner's liability for injuries incurred during certain recreational activities.

HB 696 Blanco SPONSOR: Powell
Relating to employment and referral services for veterans and military service members.

HB 706 Bernal SPONSOR: Lucio
Relating to the eligibility of certain children who are deaf or hard of hearing for audiology services under the school health and related services program.

HB 803 Patterson SPONSOR: Paxton

Relating to financial reporting requirements of a toll project entity.

HB 831 Huberty SPONSOR: Huffman
Relating to the residency requirement to be eligible for public office.

HB 914 Thompson, Senfronia SPONSOR: Zaffirini
Relating to the regulation of bingo games.
(Committee Substitute)

HB 956 Miller SPONSOR: Miles
Relating to the dissolution of county assistance districts.

HB 965 González, Mary SPONSOR: Zaffirini
Relating to updating references to certain former health services state agencies and certain terms used to describe persons with intellectual or developmental disabilities in the Education Code.
(Committee Substitute)

HB 1019 Muñoz, Jr. SPONSOR: Hinojosa
Relating to the authority of certain water districts to exercise the power of eminent domain.

HB 1059 Lucio III SPONSOR: Rodríguez
Relating to a biennial report on stormwater infrastructure in this state.

HB 1090 Bell, Cecil SPONSOR: Kolkhorst
Relating to the definition of first responder.

HB 1112 Davis, Sarah SPONSOR: Kolkhorst
Relating to the removal of signs indicating that a freestanding emergency medical care facility is operational.

HB 1120 Miller SPONSOR: Miles
Relating to the powers of certain county assistance districts.
(Committee Substitute)

HB 1135 Price SPONSOR: Seliger
Relating to a common characteristic or use project in a public improvement district in certain municipalities.

HB 1139 Thompson, Senfronia SPONSOR: Miles
Relating to the applicability of the death penalty to a capital offense committed by a person with an intellectual disability.
(Committee Substitute)

HB 1152 Bernal SPONSOR: Campbell
Relating to the deceptive trade practice of charging exorbitant or excessive prices for necessities during a declared disaster.

HB 1174 Reynolds SPONSOR: Miles
Relating to the authority of certain county assistance districts to provide a grant or loan.
(Committee Substitute)

HB 1181 Guillen SPONSOR: Zaffirini
Relating to the regulation of commercial catfish fishing on Falcon Lake.

HB 1215 Collier SPONSOR: Alvarado
Relating to the allocation of low income housing tax credits.

(Committee Substitute)

HB 1263 Thompson, Ed SPONSOR: Taylor
Relating to an order by the Brazoria Drainage District Number 4 to maintain certain infrastructure.
(Committee Substitute)

HB 1342 Leach SPONSOR: Hinojosa
Relating to a person's eligibility for an occupational license; providing an administrative penalty.

HB 1401 Howard SPONSOR: Hinojosa
Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.

HB 1404 Dean SPONSOR: Hughes
Relating to the regulation of game rooms in certain counties.

HB 1474 Anderson, Charles "Doc" SPONSOR: Birdwell
Relating to a common characteristic or use project in a public improvement district in certain municipalities.

HB 1524 Shaheen SPONSOR: Paxton
Relating to correcting outdated references to the Texas Building and Procurement Commission.

HB 1532 Meyer SPONSOR: Hughes
Relating to the regulation of certain health organizations certified by the Texas Medical Board; providing an administrative penalty; authorizing a fee.

HB 1548 Springer SPONSOR: Kolkhorst
Relating to the operation of golf carts, neighborhood electric vehicles, and off-highway vehicles; authorizing fees.
(Committee Substitute)

HB 1574 Paddie SPONSOR: Hughes
Relating to the composition of the Riverbend Water Resources District and the terms of the board of directors of that district.

HB 1614 Oliverson SPONSOR: Creighton
Relating to the operation of the Texas Title Insurance Guaranty Association.

HB 1697 Bell, Cecil SPONSOR: Creighton
Relating to the creation of the Wood Trace Municipal Utility District No. 4 of Montgomery County, Texas; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 1709 González, Mary SPONSOR: Menéndez
Relating to the appointment of a surrogate parent for certain children in the conservatorship of the Department of Family and Protective Services.

HB 1742 Smithee SPONSOR: Johnson
Relating to the mediation of the settlement of certain health benefit claims involving balance billing by out-of-network laboratories.
(Committee Substitute)

HB 1755 Thompson, Ed SPONSOR: Hughes

Relating to assembled vehicles and former military vehicles, including the titling and registration of those vehicles.

(Committee Substitute)

HB 1771 Thierry SPONSOR: Huffman
Relating to a prohibition on prosecuting or referring to juvenile court certain persons for certain conduct constituting the offense of prostitution and to the provision of services to those persons.

HB 1780 Miller SPONSOR: Kolkhorst
Relating to the mandatory dismissal date of certain suits affecting the parent-child relationship involving the Department of Family and Protective Services.

HB 1829 Stephenson SPONSOR: Huffman
Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 225; providing authority to issue bonds; providing authority to impose a tax.

HB 1848 Klick SPONSOR: Buckingham
Relating to prevention of communicable diseases in certain long-term care facilities.

HB 1849 Klick SPONSOR: Menéndez
Relating to the possession and administration of epinephrine auto-injectors in day-care centers; limiting liability.

HB 1850 Klick SPONSOR: Fallon
Relating to the availability of certain voter information.

HB 1865 Landgraf SPONSOR: Nelson
Relating to the licensing and regulation of massage therapy; requiring a student permit; authorizing fees.

HB 1899 Bonnen, Greg SPONSOR: Kolkhorst
Relating to the revocation or denial of certain health care professional licenses and the reporting of the grounds for revocation or denial.

HB 1927 Herrero SPONSOR: Hinojosa
Relating to the filling of a vacancy in the office of county commissioner in certain counties.

HB 1964 Ashby SPONSOR: Creighton
Relating to the procedure for action on certain applications for an amendment to a water right.

HB 1992 Leman SPONSOR: Schwertner
Relating to prohibiting telemarketers from transmitting misleading caller identification information or otherwise misrepresenting the origin of a telemarketing call.

HB 2018 Thierry SPONSOR: Huffman
Relating to required notice for municipal management districts that annex or exclude territory.

HB 2038 Darby SPONSOR: Flores

Relating to certain offenses relating to disturbing or taking marl, sand, gravel, shell, or mudshell or disturbing oyster beds or fishing waters; increasing the criminal penalty.

HB 2042 Stucky SPONSOR: Birdwell
Relating to postpayment audits conducted by the comptroller and annual financial reports submitted by state agencies.

HB 2053 Murr SPONSOR: Flores
Relating to individuals and organizations providing certain services and liability in connection with prescribed burns.
(Committee Substitute)

HB 2060 Stephenson SPONSOR: Huffman
Relating to the creation of the Fort Bend County Municipal Utility District No. 233; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 2077 Metcalf SPONSOR: Creighton
Relating to the creation of the City of Conroe Municipal Management District No. 3; providing authority to issue bonds and impose assessments, fees, and taxes.

HB 2088 Dean SPONSOR: Hughes
Relating to providing information and other resources regarding safe disposal of Schedule II controlled substance prescription drugs.

HB 2102 Capriglione SPONSOR: Zaffirini
Relating to the payment of insurance deductibles related to property insurance policies; creating a criminal offense.
(Committee Substitute)

HB 2103 Capriglione SPONSOR: Zaffirini
Relating to a prohibition on contractors acting as public insurance adjusters in certain circumstances.
(Committee Substitute)

HB 2110 Shaheen SPONSOR: Paxton
Relating to state agency measurement and management of customer satisfaction.

HB 2112 Thompson, Ed SPONSOR: Zaffirini
Relating to salvage motor vehicles, including flood vehicles, and nonrepairable motor vehicles.
(Committee Substitute)

HB 2140 Neave SPONSOR: Powell
Relating to creating an electronic application system for state student financial assistance.

HB 2176 Leman SPONSOR: Kolkhorst
Relating to the authority of the Lavaca Hospital District to lease district property.

HB 2179 Wray SPONSOR: Hughes
Relating to the grounds for imposing certain sanctions on certain persons for engaging in certain conduct in connection with the appointment of members of or the functions of appraisal review boards.

HB 2184 Allen SPONSOR: Huffman
Relating to a public school student's transition from an alternative education program to a regular classroom.

HB 2190 Hunter SPONSOR: Hinojosa
Relating to admission of certain students to an open-enrollment charter school.
(Committee Substitute)

HB 2202 Miller SPONSOR: Kolkhorst
Relating to the appointment and election of levee improvement district directors.

HB 2205 Clardy SPONSOR: Buckingham
Relating to the informal dispute resolution process for certain disputes between the Health and Human Services Commission and long-term care facilities.

HB 2218 Lozano SPONSOR: Zaffirini
Relating to creating a Class C menhaden boat license; imposing a fee; requiring a license.
(Committee Substitute)

HB 2248 Wray SPONSOR: Rodríguez
Relating to the disposition and removal of a decedent's remains.

HB 2271 Lang SPONSOR: Kolkhorst
Relating to the authority of the attorney general to advertise Choose Life account grants.

HB 2272 Guillen SPONSOR: Zaffirini
Relating to the county hotel occupancy tax rate in certain counties.

HB 2287 Moody SPONSOR: Rodríguez
Relating to the operations of certain municipal housing authorities.
(Committee Substitute)

HB 2305 Morrison SPONSOR: Kolkhorst
Relating to a work group on enhancing the training and credentialing of emergency management personnel.

HB 2315 Thompson, Ed SPONSOR: Kolkhorst
Relating to evidence of ownership of temporary housing provided by a government agency in response to a natural disaster or other declared emergency.

HB 2318 Darby SPONSOR: Perry
Relating to facilities of the hospital system of the Reagan Hospital District of Reagan County, Texas.

HB 2335 Walle SPONSOR: Kolkhorst
Relating to the disaster supplemental nutrition assistance program.
(Committee Substitute)

HB 2364 Darby SPONSOR: Perry
Relating to the provision of certain services through statewide technology centers.

HB 2365 Hunter SPONSOR: Hinojosa
Relating to information required to be published with a notice of intent to apply for the passage of a local or special law.

HB 2384 Leach SPONSOR: Huffman

Relating to judicial compensation and assignment, the contributions to, benefits from, membership in, and administration of the Judicial Retirement System of Texas Plan One and Plan Two, and the compensation and retirement benefits of certain prosecutors and other members of the elected class of the Employees Retirement System of Texas.

(Committee Substitute)

HB 2410

Klick

SPONSOR: Perry

Relating to a request for a nursing peer review committee determination.

HB 2422

Anderson, Charles "Doc"

SPONSOR: Perry

Relating to the coordination of certain broadband projects by the Texas Department of Transportation.

(Committee Substitute)

HB 2430

Reynolds

SPONSOR: Miles

Relating to requirements in a suit for the removal of human remains from a cemetery.

HB 2446

Swanson

SPONSOR: Fallon

Relating to the availability of certain information regarding firefighters, volunteer firefighters, emergency medical services personnel, and fire safety inspectors and the certification and training for fire safety inspectors.

(Committee Substitute)

HB 2454

Price

SPONSOR: Hughes

Relating to continuing education requirements for certain health professionals regarding pain management and the prescribing of opioids.

HB 2497

Cyrier

SPONSOR: Hughes

Relating to rules of and appeals to a municipal board of adjustment.

HB 2503

Kacal

SPONSOR: Menéndez

Relating to workers' compensation death benefit eligibility for certain spouses of certain employees killed in the line of duty.

HB 2514

Martinez

SPONSOR: Zaffirini

Relating to the appointment of an individual qualified to conduct a child custody evaluation.

HB 2526

Leach

SPONSOR: Fallon

Relating to criteria for admission of certain students into public schools.

HB 2546

Guillen

SPONSOR: Hughes

Relating to the energy efficiency performance standards for construction of certain industrialized housing.

(Committee Substitute)

HB 2554

Bucy

SPONSOR: Zaffirini

Relating to regulation of the display of signs containing political advertising.

HB 2564

White

SPONSOR: Lucio

Relating to addressing the needs of homeless youth.

HB 2569

Darby

SPONSOR: Hughes

Relating to requirements for condominium plats or plans.

HB 2584

Cortez

SPONSOR: Menéndez

Relating to the authority of a code enforcement officer performing official duties to possess or carry an instrument used for deterring an animal bite.
(Committee Substitute)

HB 2590 Biedermann SPONSOR: Creighton
Relating to the administration, powers, and duties of water districts.
(Committee Substitute)

HB 2604 Sanford SPONSOR: Paxton
Relating to the number of emissions inspections performed by certain vehicle inspection stations.

HB 2613 Frullo SPONSOR: Huffman
Relating to the offense of operation of a stash house and to funding certain crime victim services through the use of money derived from a civil asset forfeiture of contraband related to that offense, human smuggling and trafficking offenses, and certain prostitution offenses; creating a criminal offense.

HB 2620 Martinez SPONSOR: Rodríguez
Relating to the movement of oversize or overweight vehicles, including the enforcement of motor vehicle size and weight limitations; creating a criminal offense.
(Committee Substitute)

HB 2625 Perez SPONSOR: Zaffirini
Relating to creating the criminal offense of fraudulent use or possession of credit card or debit card information.

HB 2628 Vo SPONSOR: Hughes
Relating to the manner of reporting and maintaining certain information relating to candidates and election returns.
(Committee Substitute)

HB 2629 Flynn SPONSOR: Huffman
Relating to the deadline to appeal administrative decisions of the Teacher Retirement System of Texas.

HB 2633 Morrison SPONSOR: Kolkhorst
Relating to the consumption, possession, or sale of an alcoholic beverage at a performing arts facility leased to a nonprofit organization by a school district.

HB 2640 Cortez SPONSOR: Hughes
Relating to political parties.
(Committee Substitute)

HB 2659 Paul SPONSOR: Schwertner
Relating to the use of names by public insurance adjusters.

HB 2668 Turner, Chris SPONSOR: Paxton
Relating to the dissolution of a direct-support organization established by the Prepaid Higher Education Tuition Board and the transfer of funds related to prepaid higher education tuition scholarships to the Texas Match the Promise Foundation or a successor entity.

HB 2671 Calanni SPONSOR: Kolkhorst

Relating to the creation of the Harris County Municipal Utility District No. 569; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 2680 Schaefer SPONSOR: Hughes
Relating to the student recreational facility fee at The University of Texas at Tyler.

HB 2736 Darby SPONSOR: Seliger
Relating to the authority of a governmental unit that has withdrawn from a regional planning commission to join another regional planning commission.

HB 2737 Wu SPONSOR: Johnson
Relating to judicial guidance related to child protective services cases and juvenile cases.

HB 2767 Martinez Fischer SPONSOR: Zaffirini
Relating to the delivery of a recorded marriage license by e-mail.

HB 2782 Wray SPONSOR: Rodríguez
Relating to decedents' estates, transfer on death deeds, and matters involving probate courts.
(Committee Substitute)

HB 2783 Wilson SPONSOR: Buckingham
Relating to the establishment of the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council.

HB 2793 Goldman SPONSOR: Zaffirini
Relating to certain presumptions relating to the sale of alcoholic beverages.

HB 2794 Morrison SPONSOR: Kolkhorst
Relating to the administration of emergency management in this state.

HB 2810 Kacal SPONSOR: Perry
Relating to exempting certain trailers from being equipped with emergency brakes.

HB 2813 Price SPONSOR: Nelson
Relating to the statewide behavioral health coordinating council.

HB 2816 Lucio III SPONSOR: Watson
Relating to compensation and leave for certain employees of the fraud unit of the Texas Department of Insurance.

HB 2828 King, Phil SPONSOR: Fallon
Relating to the exception of certain information related to the humane disposition by a municipality or county of an animal from required disclosure under the public information law.

HB 2835 Canales SPONSOR: Alvarado
Relating to a defense to prosecution for the criminal offense of operating a vehicle with an expired license plate.

HB 2840 Canales SPONSOR: Hughes
Relating to the right of a member of the public to address the governing body of a political subdivision at an open meeting of the body.

HB 2845 Canales SPONSOR: Creighton
Relating to the removal of wind power facilities.

HB 2910 Klick SPONSOR: Hughes
Relating to the confidentiality of certain personal information of certain persons obtained for the purposes of voting.
(Committee Substitute)

HB 2913 Zerwas SPONSOR: Kolkhorst
Relating to the transfer of certain real property held by the Department of Public Safety of the State of Texas and the transfer of jurisdiction over and management of the Star of the Republic Museum to the Texas Historical Commission.
(Committee Substitute)

HB 2929 Leach SPONSOR: Hancock
Relating to hospital liens.

HB 2955 Price SPONSOR: Zaffirini
Relating to oversight of specialty court programs.

HB 2971 Holland SPONSOR: Buckingham
Relating to powers and duties concerning records of the General Land Office.

HB 2977 Howard SPONSOR: Watson
Relating to the transfer, sale, or exchange of real property or an interest in real property between the City of Austin and a state agency.

HB 3001 Morrison SPONSOR: Birdwell
Relating to the fiscal transparency of special purpose districts and other political subdivisions.

HB 3014 Burrows SPONSOR: Perry
Relating to the clerk and other personnel of the municipal court of record of the City of Lubbock.

HB 3019 Miller SPONSOR: Kolkhorst
Relating to the creation of the Fort Bend County Municipal Utility District No. 234; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 3029 Moody SPONSOR: Rodríguez
Relating to the designation of Spur 16 in El Paso County as the Henry Gallegos, Sr., Memorial Highway.

HB 3045 Nevárez SPONSOR: Flores
Relating to the provision of solid waste disposal services in the extraterritorial jurisdiction of certain municipalities.

HB 3047 Bell, Cecil SPONSOR: Nichols
Relating to the creation of the Montgomery County Municipal Utility District No. 167; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 3070 King, Ken SPONSOR: Zaffirini
Relating to grants for emergency assistance under the rural volunteer fire department assistance program.

HB 3078 Thompson, Senfronia SPONSOR: Zaffirini

Relating to the review of clemency applications from certain persons who were victims of human trafficking or family violence.

HB 3079 Noble SPONSOR: Zaffirini
Relating to investigations of abuse, neglect, or exploitation of home and community support services agencies providing inpatient hospice services.

HB 3081 Noble SPONSOR: Paxton
Relating to a person qualified to serve as a temporary justice of the peace.
(Committee Substitute)

HB 3084 Cyrier SPONSOR: Taylor
Relating to designating July 20 as Space Exploration Day.

HB 3091 Deshotel SPONSOR: Campbell
Relating to the confidentiality of and prohibiting disclosure of the location or physical layout of a family violence shelter center or victims of trafficking shelter center; creating a criminal offense.

HB 3117 Schaefer SPONSOR: Hughes
Relating to developing the proposed plan on long-term care for persons with an intellectual disability.

HB 3124 Wilson SPONSOR: Flores
Relating to tuition and fees charged by The Texas A&M University System for certain national laboratory or national laboratory operator employees and dependents.

HB 3145 Toth SPONSOR: Creighton
Relating to the right of a parent appointed as a conservator of a child to attend school activities.

HB 3147 Parker SPONSOR: Creighton
Relating to a cancer clinical trial participation program.

HB 3163 Springer SPONSOR: Menéndez
Relating to parking for persons with disabilities.

HB 3203 Dean SPONSOR: Hughes
Relating to the division of certain emergency services districts.

HB 3224 Lozano SPONSOR: Zaffirini
Relating to a study on the creation of a defense under the Solid Waste Disposal Act for persons engaged in certain recycling transactions.
(Committee Substitute)

HB 3227 Howard SPONSOR: Huffman
Relating to the availability of and access to certain programs and services for persons in the custody of the Texas Department of Criminal Justice.
(Committee Substitute)

HB 3247 Martinez SPONSOR: Alvarado
Relating to the Texas Emergency Services Retirement System.

HB 3252 Allen SPONSOR: Zaffirini
Relating to the posting of certain notices in a primary election.

HB 3284 Sheffield SPONSOR: Nelson

Relating to prescribing and dispensing controlled substances and monitoring the prescribing and dispensing of controlled substances under the Texas Controlled Substances Act; authorizing a fee; providing for administrative penalties; creating criminal offenses.

(Committee Substitute)

HB 3304

Raymond

SPONSOR: Buckingham

Relating to the sunset review of the Texas Health Services Authority and the repeal of certain provisions affecting the electronic exchange of health information.

(Committee Substitute)

HB 3306

Smithee

SPONSOR: Zaffirini

Relating to the disclosure of information concerning the corporate governance structure of certain insurers and related entities; providing an administrative penalty.

HB 3312

Morrison

SPONSOR: Kolkhorst

Relating to authorizing a health and wellness center fee at the University of Houston-Victoria.

(Committee Substitute)

HB 3314

Romero, Jr.

SPONSOR: Zaffirini

Relating to certain requirements to replat certain municipal subdivision plats.

HB 3316

White

SPONSOR: Schwertner

Relating to the Texas Crime Stoppers Council.

(Committee Substitute)

HB 3343

Wilson

SPONSOR: Hall

Relating to the issuance of specialty license plates to honor certain Purple Heart recipients; imposing a fee.

HB 3345

Price

SPONSOR: Hughes

Relating to health benefit coverage provided by certain health benefit plans for telemedicine medical services and telehealth services.

HB 3374

Metcalf

SPONSOR: Creighton

Relating to the powers and duties of the Cleveland Municipal Utility District No. 1 of Montgomery County, Texas; providing authority to issue bonds; providing authority to impose a tax.

HB 3390

Sanford

SPONSOR: Paxton

Relating to caregivers for certain children, including the identification of caregivers for children in the conservatorship of the Department of Family and Protective Services and an exception from licensing requirements for certain caretakers.

(Committee Substitute)

HB 3428

Capriglione

SPONSOR: Perry

Relating to training on Alzheimer's disease and dementia for certain Department of Family and Protective Services employees and area agencies on aging employees and volunteers.

HB 3435

Bowers

SPONSOR: Johnson

Relating to establishing and celebrating Texas Girls in STEM Day.

HB 3436 Sanford SPONSOR: Fallon
Relating to the creation of the Celina Municipal Management District No. 3; providing authority to issue bonds and impose assessments, fees, and taxes.

HB 3460 Thompson, Ed SPONSOR: Kolkhorst
Relating to the route designation for the issuance of a permit for the movement of oversize and overweight vehicles in certain counties.
(Committee Substitute)

HB 3522 Murphy SPONSOR: Creighton
Relating to assignment of certain death benefits payable by the Employees Retirement System of Texas.

HB 3531 Shine SPONSOR: Buckingham
Relating to the disqualification of a prosecuting attorney or judge in a case investigated by the public integrity unit of the Texas Rangers.
(Committee Substitute)

HB 3540 Burns SPONSOR: Hughes
Relating to the authority of a peace officer to release in lieu of arrest certain persons with an intellectual or developmental disability.

HB 3542 Phelan SPONSOR: Lucio
Relating to the provision of water and sewer services by certain retail public utilities.

HB 3598 Martinez Fischer SPONSOR: Zaffirini
Relating to certain unclaimed property that is presumed abandoned.

HB 3616 Hunter SPONSOR: Lucio
Relating to the establishment of a task force on faith-based programs that provide assistance during a disaster.

HB 3630 Meyer SPONSOR: Lucio
Relating to prohibiting the use of certain aversive techniques on students enrolled in public schools.
(Committee Substitute)

HB 3635 Turner, John SPONSOR: Hughes
Relating to financial assistance paid to the survivors of certain law enforcement officers, firefighters, and other public employees killed in the line of duty.

HB 3636 Morrison SPONSOR: Kolkhorst
Relating to the transfer of jurisdiction over and management of the Star of the Republic Museum to the Texas Historical Commission and the transfer of certain state property from the Texas Department of Criminal Justice to DeWitt County.
(Committee Substitute)

HB 3642 Krause SPONSOR: Powell
Relating to the jurisdiction of a county court at law in Tarrant County.
(Committee Substitute)

HB 3650 Turner, Chris SPONSOR: Creighton

Relating to an agreement between a school district and public institution of higher education to provide a dual credit program to high school students enrolled in the district.

HB 3652 Turner, Chris SPONSOR: Creighton
Relating to the creation of a state repository for open educational resources by the Texas Higher Education Coordinating Board.

HB 3668 Walle SPONSOR: Creighton
Relating to grants for disaster response by nonprofit food banks.
(Committee Substitute)

HB 3706 Dean SPONSOR: Hughes
Relating to a license to carry a handgun for active and retired railroad peace officers and for special rangers of the Texas and Southwestern Cattle Raisers Association.

HB 3714 Parker SPONSOR: Nelson
Relating to the establishment of street lights along county roads in the unincorporated area of certain counties.
(Committee Substitute)

HB 3716 Parker SPONSOR: Nelson
Relating to the establishment of the office of medical examiner in certain counties.

HB 3771 Oliverson SPONSOR: Zaffirini
Relating to the approval of insurance companies to provide certain structured settlement annuity contracts.

HB 3782 Harless SPONSOR: Alvarado
Relating to the right to remove property encroaching on areas owned or controlled by the Harris County Flood Control District.
(Committee Substitute)

HB 3800 Thompson, Senfronia SPONSOR: Huffman
Relating to the investigation and prosecution of criminal offenses involving the trafficking of persons.
(Committee Substitute)

HB 3815 Morrison SPONSOR: Huffman
Relating to a seller's disclosure notice for residential property regarding floodplains, flood pools, floodways, or reservoirs.

HB 3838 Bailes SPONSOR: Birdwell
Relating to a disclosure in certain offers to purchase a mineral or royalty interest.

HB 3850 Deshotel SPONSOR: Creighton
Relating to the funding of certain ship channel improvements; authorizing the Texas Transportation Commission to issue revenue bonds.

HB 3855 Longoria SPONSOR: Creighton
Relating to methods of computing interest charges on certain consumer loans.

HB 3863 Wilson SPONSOR: Hughes
Relating to granting limited state law enforcement authority to certain federal officers or agents.

HB 3867 Springer SPONSOR: Perry
Relating to the authority of the Public Utility Commission of Texas to retain assistance for regional proceedings affecting certain electric utilities and consumers.
(Committee Substitute)

HB 3871 Krause SPONSOR: Lucio
Relating to the process for establishing speed limits on roads near certain schools.
(Committee Substitute)

HB 3875 Capriglione SPONSOR: Zaffirini
Relating to cloud compatibility of certain state agency information technology purchases.
(Committee Substitute)

HB 3884 Wilson SPONSOR: Zaffirini
Relating to dissemination of bacterial meningitis information by school districts.

HB 3911 Vo SPONSOR: Campbell
Relating to the examination by the commissioner of insurance of certain insurers' network quality and adequacy.

HB 3980 Hunter SPONSOR: Menéndez
Relating to a requirement that the Statewide Behavioral Health Coordinating Council prepare a report regarding suicide rates in this state and state efforts to prevent suicides.
(Committee Substitute)

HB 4075 Perez SPONSOR: Nelson
Relating to the dissolution of fire control, prevention, and emergency medical services districts.

HB 4090 Noble SPONSOR: Kolkhorst
Relating to the licensing of certain school-age programs that provide child-care services.
(Committee Substitute)

HB 4120 Lucio III SPONSOR: Menéndez
Relating to the financial security requirement for providers obligated under certain service contracts.
(Committee Substitute)

HB 4129 Swanson SPONSOR: Zaffirini
Relating to the omission from the ballot of a withdrawing candidate.

HB 4158 Zwiener SPONSOR: Zaffirini
Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

HB 4166 VanDeaver SPONSOR: Hughes
Relating to a study of the feasibility of the expansion of navigation on the Red River by the Red River Authority of Texas.

HB 4211 Nevárez SPONSOR: Nichols
Relating to the designation of State Highway Loop 480 in Maverick County as Loop JUNO.

- HB 4257** Craddick SPONSOR: Campbell
Relating to retaliation for municipal annexation disapproval.
- HB 4260** Cortez SPONSOR: Lucio
Relating to the possession and administration of an epinephrine auto-injector by certain entities.
(Committee Substitute)
- HB 4289** Coleman SPONSOR: Kolkhorst
Relating to the authority of certain local governments to create and operate health care provider participation programs.
- HB 4298** Murr SPONSOR: Zaffirini
Relating to the licensing of satellite offices of outpatient chemical dependency care facilities.
(Committee Substitute)
- HB 4310** Dutton SPONSOR: Hughes
Relating to a school district's scope and sequence for subjects in the required curriculum for public school students.
(Committee Substitute)
- HB 4342** Clardy SPONSOR: Taylor
Relating to the composition of the board of directors of the Texas School Safety Center.
- HB 4345** Sanford SPONSOR: Huffman
Relating to liability for disclosing certain information regarding sexual misconduct by an employee, volunteer, or independent contractor of a charitable organization.
- HB 4350** Bohac SPONSOR: Alvarado
Relating to public safety answering points operated by emergency communications districts.
- HB 4455** Miller SPONSOR: Campbell
Relating to the provision of mental health services through a telemedicine medical service or telehealth service.
- HB 4468** Coleman SPONSOR: Whitmire
Relating to county jails and community mental health programs in certain counties.
- HB 4505** Metcalf SPONSOR: Nichols
Relating to the creation of the Montgomery County Municipal Utility District No. 178; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- HB 4541** Cyrier SPONSOR: Watson
Relating to the authority of the Texas Facilities Commission over certain real property owned by the state.
- HB 4544** Meyer SPONSOR: Fallon
Relating to municipal control of coyotes.
- HB 4559** Fierro SPONSOR: Rodríguez

Relating to access to a county jail prisoner's health benefits coverage information for mental health service providers.

HB 4569 Landgraf SPONSOR: Seliger
Relating to the operation of the Ector County Hospital District.

HB 4584 Hefner SPONSOR: Hughes
Relating to sale of returnable containers; creating a criminal offense.

HB 4628 Metcalf SPONSOR: Nichols
Relating to the powers and duties of Montgomery County Municipal Utility District No. 100.

HB 4629 Metcalf SPONSOR: Nichols
Relating to the powers and duties of Montgomery County Municipal Utility District No. 101.

HB 4631 Smith SPONSOR: Fallon
Relating to the creation of the Grayson County Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4639 Stephenson SPONSOR: Huffman
Relating to the creation of the Fort Bend County Municipal Utility District No. 237; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4640 Metcalf SPONSOR: Nichols
Relating to the creation of the Montgomery County Municipal Utility District No. 176 of Montgomery County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4642 King, Phil SPONSOR: Fallon
Relating to the powers and duties of the Rolling V Ranch Water Control and Improvement District No. 1 of Wise County.

HB 4643 Bell, Cecil SPONSOR: Creighton
Relating to the creation of the Wood Trace Water Control and Improvement District of Montgomery County, Texas; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4644 Bell, Cecil SPONSOR: Creighton
Relating to the creation of the Wood Trace Management District of Montgomery County, Texas; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
(Committee Substitute)

HB 4645 Smith SPONSOR: Fallon
Relating to the creation of the Grayson County Municipal Utility District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4653 Bailes SPONSOR: Nichols

Relating to the creation of Tarkington Management District No. 1 of Liberty County; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(Committee Substitute)

HB 4655 Thompson, Ed SPONSOR: Taylor
Relating to the powers and duties of the Brazoria County Municipal Utility District No. 43; providing authority to issue bonds; providing authority to impose a tax.

HB 4657 Bell, Cecil SPONSOR: Creighton
Relating to the creation of the Montgomery County Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(Committee Substitute)

HB 4660 Stephenson SPONSOR: Huffman
Relating to the creation of the Fort Bend County Municipal Utility District No. 239; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4661 Bailes SPONSOR: Nichols
Relating to the creation of Plum Creek Management District No. 1 of Liberty County; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(Committee Substitute)

HB 4668 Smith SPONSOR: Fallon
Relating to the creation of the Howe Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4672 Sanford SPONSOR: Fallon
Relating to the powers and duties of the Collin County Municipal Utility District No. 2; providing authority to issue bonds and impose fees and taxes.

HB 4676 Stephenson SPONSOR: Huffman
Relating to the creation of the Fort Bend County Management District No. 3; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(Committee Substitute)

HB 4677 Bell, Cecil SPONSOR: Creighton
Relating to the creation of the Montgomery County Municipal Utility District No. 161; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4678 Bell, Cecil SPONSOR: Creighton
Relating to the creation of the Montgomery County Municipal Utility District No. 162; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4679 Bell, Cecil SPONSOR: Creighton

Relating to the creation of the Montgomery County Municipal Utility District No. 163; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4682 Bell, Cecil SPONSOR: Creighton
Relating to the creation of the Montgomery County Municipal Utility District No. 166; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4683 Stucky SPONSOR: Nelson
Relating to the creation of the Hunter Ranch Improvement District No. 1 of Denton County, Texas; providing authority to impose an assessment, impose a tax, and issue bonds.

HB 4687 Bell, Cecil SPONSOR: Creighton
Relating to the creation of the Montgomery County Municipal Utility District No. 174; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4688 Bell, Cecil SPONSOR: Creighton
Relating to the creation of the Montgomery County Municipal Utility District No. 175; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4689 Talarico SPONSOR: Schwertner
Relating to the creation of the Round Rock Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4693 Stucky SPONSOR: Nelson
Relating to the creation of the Cole Ranch Improvement District No. 1 of Denton County, Texas; providing authority to impose an assessment, impose a tax, and issue bonds.

HB 4697 Wilson SPONSOR: Schwertner
Relating to the powers and duties of the Williamson County Municipal Utility District No. 29; providing authority to issue bonds; providing authority to impose a tax.

HB 4698 Wilson SPONSOR: Schwertner
Relating to the powers and duties of the Williamson County Municipal Utility District No. 28; providing authority to issue bonds; providing authority to impose a tax.

HB 4699 Wilson SPONSOR: Schwertner
Relating to the powers and duties of the Williamson County Municipal Utility District No. 21; providing authority to issue bonds; providing authority to impose a tax.

HB 4702 Metcalf SPONSOR: Nichols
Relating to the creation of the Montgomery County Municipal Utility District No. 179; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4704 Smith SPONSOR: Fallon

Relating to the creation of the Double M Municipal Utility District of Grayson County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4709 Smith SPONSOR: Fallon
Relating to the creation of the Grayson County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4710 Bell, Cecil SPONSOR: Nichols
Relating to the creation of the Montgomery County Municipal Utility District No. 180; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4716 Button SPONSOR: Johnson
Relating to the municipal court of record of the City of Rowlett.

HB 4719 Stucky SPONSOR: Fallon
Relating to the creation of the La La Ranch Municipal Utility District of Denton County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4720 Stucky SPONSOR: Fallon
Relating to the creation of the Burns Branch Municipal Utility District No. 1 of Denton County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4721 Zerwas SPONSOR: Kolkhorst
Relating to the Texas Heritage Parkway Improvement District.

HB 4725 King, Phil SPONSOR: Fallon
Relating to the powers and duties of the Morningstar Ranch Municipal Utility District No. 2 of Parker County; providing authority to impose a tax and issue bonds.

HB 4728 Stephenson SPONSOR: Huffman
Relating to the creation of the Fort Bend County Municipal Utility District No. 241; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4729 Stephenson SPONSOR: Kolkhorst
Relating to the creation of the Fort Bend County Municipal Utility District No. 242; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4731 Bell, Cecil SPONSOR: Creighton
Relating to the name and powers of the Harris County Improvement District No. 17; providing authority to issue bonds; providing authority to impose a tax.

HB 4734 Oliverson SPONSOR: Bettencourt
Relating to the creation of the Green Tree Park Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4741 Smith SPONSOR: Fallon

Relating to the creation of the Grayson County Municipal Utility District No. 5; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4742

Bowers

SPONSOR: West

Relating to the creation of the SoGood Cedars Municipal Management District; providing authority to issue bonds; providing authority to impose assessments and fees.

(Committee Substitute)

HB 4744

Burns

SPONSOR: Birdwell

Relating to the creation of the Wright Farm Municipal Management District of Johnson County; providing authority to issue bonds and impose assessments, fees, and taxes.

HB 4747

Stephenson

SPONSOR: Kolkhorst

Relating to the board of directors of the Boling Municipal Water District.

HB 4752

Dutton

SPONSOR: Whitmire

Relating to the territory of the Barrett Management District.

(Committee Substitute)

HB 4754

Lopez

SPONSOR: Menéndez

Relating to a study on the number of active releasees on a parole officer's caseload.

HB 4762

Guillen

SPONSOR: Zaffirini

Relating to the designation of a portion of Farm-to-Market Road 716 in Duval County as the Pete Salinas Trail.

HCR 76

Price

SPONSOR: Kolkhorst

Recognizing the first week of May 2019 as TD Awareness Week.

HCR 86

Springer

SPONSOR: Fallon

Designating the Bowie knife as the official state knife of Texas.

HCR 117

Johnson, Jarvis

SPONSOR: Miles

Designating September as Sickle Cell Disease Awareness Month for a 10-year period beginning in 2019.

HCR 148

Landgraf

SPONSOR: Campbell

Designating June as Veteran Suicide and PTSD Awareness Month for a 10-year period beginning in 2019.

SCR 63

Zaffirini

Designating San Marcos as the Mermaid Capital of Texas.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

ENROLLED

May 21 - HB 7, HB 23, HB 51, HB 93, HB 137, HB 162, HB 165, HB 273, HB 277, HB 300, HB 304, HB 310, HB 330, HB 345, HB 369, HB 387, HB 449, HB 455, HB 519, HB 541, HB 554, HB 587, HB 635, HB 643, HB 653, HB 667, HB 678, HB 770, HB 807, HB 819, HB 837, HB 881, HB 882, HB 884, HB 902, HB 1060, HB 1136, HB 1143, HB 1191, HB 1225, HB 1306, HB 1307, HB 1379, HB 1505, HB 1542, HB 1605, HB 1607, HB 1652, HB 1661, HB 1674, HB 1676, HB 1678, HB 1693, HB 1717, HB 1791, HB 1810, HB 1815, HB 1884, HB 1888, HB 1891, HB 1896, HB 1901, HB 1940, HB 2075, HB 2092, HB 2111, HB 2167, HB 2214, HB 2229, HB 2245, HB 2256, HB 2290, HB 2299, HB 2331, HB 2358, HB 2461, HB 2475, HB 2504, HB 2571, HB 2577, HB 2594, HB 2617, HB 2643, HB 2660, HB 2677, HB 2698, HB 2709, HB 2734, HB 2778, HB 2780, HB 2789, HB 2791, HB 2792, HB 2809, HB 2812, HB 2826, HB 2830, HB 2859, HB 2914, HB 2950, HB 3006, HB 3007, HB 3011, HB 3022, HB 3040, HB 3044, HB 3068, HB 3116, HB 3165, HB 3167, HB 3175, HB 3209, HB 3211, HB 3214, HB 3228, HB 3300, HB 3339, HB 3366, HB 3386, HB 3394, HB 3405, HB 3440, HB 3463, HB 3471, HB 3475, HB 3503, HB 3529, HB 3601, HB 3656, HB 3663, HB 3671, HB 3688, HB 3689, HB 3754, HB 3760, HB 3768, HB 3780, HB 3910, HB 3934, HB 4130, HB 4170, HB 4171, HB 4172, HB 4173, HB 4179, HB 4195, HB 4236, HB 4520, HB 4636, HB 4646, HB 4656, HB 4659, HB 4663, HB 4666, HB 4669, HB 4671, HB 4675, HB 4680, HB 4684, HB 4686, HB 4691, HB 4692, HB 4694, HB 4695, HB 4696, HB 4705, HB 4718, HB 4724, HB 4726, HB 4727, HB 4733, HCR 35, HCR 120, HJR 38, HJR 95

SENT TO THE GOVERNOR

May 21 - HB 80, HB 259, HB 452, HB 504, HB 531, HB 553, HB 558, HB 639, HB 918, HB 1168, HB 1543, HB 1631, HB 1789, HB 2566, HB 2730, HB 2846, HB 2894, HB 3142, HB 3356, HB 3552, HB 3954, HB 4690

SIGNED BY THE GOVERNOR

May 21 - HB 125, HB 145, HB 852, HB 892, HB 982, HB 1066, HB 2004, HB 2255, HB 2310, HB 2324, HB 3348